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DOCUMENTS

RELATING TO

THE CONNECTICUT SETTLEMENT

IN THE

WYOMING VALLEY.

EDITED BY
WILLIAM HENRY EGLE, M. D.

HARRISBURG:
E. K. MEYERS, STATE PRINTER.
1893.

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MINUTES

OF THE

SUSQUEHANNA COMPANY

CLAIMING LANDS IN WYOMING.

1753--1801.

[AMERICA—Connecticut, July 27, 1753—

Several hundred people of this Colony have agreed to purchase a large tract of Land of the Six Nations of Indians of the Susquehanna, about 300 leagues to the Westward, lying within the bounds of their Charter, to settle upon it, Expecting that it will be in a short time a distinct Government.—*London Magazine for* 1753.]

MINUTES OF THE SUSQUEHANNA COMPANY.

WINDHAM, JULY 18, 1753.

Articles of agreeᵗ made and Settled between us the subscribers, Inhabᵗˢ of his Majesty's English Colony of Connᵗ in New Eng,—being Memorialists to the general Assembly of sᵈ Colony at their Sessions in May last, for the title of sᵈ Colony to a certain tract of Land lying on Susquehanna river, at, or near a place called Chiwaumuck, an Island in sᵈ river, to the Subscribers hereunto is as followeth—viz:

That whereas, we being desirous to enlarge his Majesties English Settlmᵗˢ in North Amᵃ, and further to spread Xtianity as also to promote our own temporal Intˢᵗ, do hereby each of us Conᵗ and engage for ourselves and for those we any of us reprᵉˢᵗ, by signing for them Each of us to pay to Mr. Jos. Skinner, Jabez Fitch Esqʳ—Eliphᵗ Dyar Esq—John Smith Esq -Ezekˡ Pierce Esq MrLemuel Smith and Capt. Robᵗ Dixon, a Committee by us nominted to repair to sᵈ place at Susqᵘᵐ, in order to view sᵈ tract of Land, and to purchase of the Natives there inhabitᵗˢ, their title and Insᵗ to sᵈ tract of Land, and to Survey, lay out and receive proper deeds or Conveyance, of sᵈ Land, to and for Each of us in Equal proportions, Each one of us two Spanish Mill dollars before Committees going and Settʳ out on sᵈ business, and on their return, upon sᵈ Committees rendˢ their account of their reasonable charges, trouble &, Expenses and transactions in sᵈ affair, and of whatever may by them be Expended in purchasing the same; we Each of us oblige ourselves, our heirs &c, to pay Each one his Equal proportion thereof, of what the same shall surmᵗ the sum before pd.: and if the sum advanced as aforesaid shall Exceed what may reasonably be Expended in said business and affair, sᵈ Committee to be accountable to, and refund back to Each Subscriber that shall pay as aforesaid, his Equal propⁿ of what shall remain not Expendᵈ as aforesaid—

And further we do each of us instruct & order said Committee, to set forth on sᵈ Affair & business on or before the 1st day of Sepʳ next, and use their utmost Endeavors to purchase, Survey, take and receive proper Conveyances, of a tract of land at or near sᵈ place Called Chiwaumuck, at Susqʰ aforesaid—or some said place in that County not heretofore granted, patented or conveyᵈ to any person, or persons, corporation, or corporations, in opposition to, or alien from the title of this Colony, and that the extent thereof be not less than about 20

miles one way, and 10 the other, and the money by them Expended not to Exceed 1000£ lawful money—And in order for the true performance of the above written, we have hereunto set and affixed our names, Excluding all right or pretence of right to any benefit or privilege to any thing that may be obtained or procured, if we fail or omit to pay the 2 dls to Said Committee, before their setting out as aforesaid, but the Same to be void as to us, as if our names were not Subscribed.

Subscribers A

John Abbe 2 dls pd the Journeying Committee
Epaphras Andrews
William Andrews 2 dls pd the Jour^{s} Committee
Noah Adams
Peter Ayer

B

Nathan Booth pd 6.10 to S. Gray—Sold to Amos Morris and , Certif^{e} given
Elisha Booth
Moses Bennett his 2 dls pd to S. Gray
Ebenezer Bobbins
John Bacher 2 dls pd the Jour^{s} Committee
Nathaniel Bingham
Joseph Blackman
Jabez Brown
Noah Briggs—his 2 dls. pd to S. Gray
James Bruister
Caleb Bates—his 2 dls. pd to Capt. J. Fitch
Jonth Baker—pd 2 dls to S. Gray—Sold to Ed. Sumner Junr Cert given
Jeremiah Backner—pd 2 dls. to Capt. J. Fitch
Ezra Belding 2 dls paid to Journ^{s} Committee
Wm. Buck 2 dls pd to Journ^{s} Committee
Ishiel Barnum " " " "
Gideon Bingham " " " "

C

William Church
Josiah Curtis
Rob^{t} Crary Jun^{r} 2 dls. pd J. Gray Cert. given
Geo. Crary—1 dol pd to S. Gray, half share—whole afterwards—2 dls to make whole share Cert. given
Beach Cutler
Benj^{a} Craig 1 dol. pd S. Gray—half share—1754, Jan 10, rec^{d} 2 dls. for the s^{d} ½ Share. Whole share Cert. given
Leonard Cady

Oliver Craig –1 dol. pd S. Gray for ½ share—afterwards pd 2 dls to make whole share
Aaron Craig—1 dol. pd S. Gray ½ share 1754 Jan 10 rec[d] 2 dols for other ½ share
William Cady
Christian Crary—1 dol. pd. S. Gray ½ share—half share bought afterwards
Daniel Cross Jun[r]
Jacob Cady
William Crary—1 dol. pd to S. Gray ½ share Cert. given
Abijah Cady—his 2 dls pd. to S. Gray
Francis Colgrove " " "
Ebenezer Cheney of Stuckbridge—1 dol. pd S. Gray ½ share
John Cogswell—his 1 dol pd. to Capt. J. Fitch
John Cone—pd 1 dol. to Journ[s] Com. Sold to J. Ackley
Giles Churchill 2 dls. pd Journ[s] Committee
John Colbert 1 dol " " "
Benj. Colwell—whole share—

D

Eliphalet Dyar Esq. 2 dls. pd Capt. J. Fitch
Gideon Demsby
Jonathan Dean
William Davison
James Darbe
Barnet Dixon—2 dls. pd S. Gray—Sold to Ezra Dean
Robert Dixon 2 dls. pd Capt. John Fitch
Nathaniel Dean Jun[r]
Jedediah Darbe
Thos Douglass
David Downing –his 2 dls pd to S. Gray
Reuben Darbe
Phineas Dean
Samuel Dean
Seth Dean
J[n] Dixon—his 2 dls. pd to Capt. J. Fitch
John Durrance— 2 dls. pd. S. Gray, Cert. given
Geo Durrance
Rob[t] Dixon—y[e] 3[d]
James Dixon 2 dls pd. to S. Gray
Rob[t] Dixon—Cordwainer
Wm Darbe
Nath Daniels—2 dls. pd to Jedediah Elderkin
James Douglass
Sam[l] Durrance—his 2 dls. pd to S. Gray

Richard Douner 2 dls
Josiah Dean Junr 2 dls
Asa Douglass 2 dls
Gideon Deming 2 dls
} pd the Journs Committee Certificate given half to Deming—the other half to A. Bidwell

E

Jedediah Elderkin—2 dls. pd. to Capt. J. Fitch
Joseph Eaton " " "
Joshua Elderkin " " "
Edward Ewing Junr 2 dls. pd. to S. Gray

F

Jabez Fitch Esq
Elijah Francis
Capt. John Fitch 2 dolls pd Jed. Elderkin
Eleazer Fitch
Nathan Fellows
William Fitch
Jabez Fitch Junr
John Fitch Junr
Benjn Follett
Edward Fitch Cert. first given
Benjn Fassett
Eleazer Fitch Esqr—2 dolls pd Jed Elderkin Now belongs to Eb Gray & S Lee

G

Samuel Gray 2 dolls pd Capt. John Fitch
David Griswold
Gideon Griswold
Asahel Griswold
Isaac Gallop
Robert Gordon
John Gould
Oliver Gould
John Gaston 2 dolls pd to S. Gray
Samuel Gordon
Geo. Gordon
John Grosvenor 2 dolls pd to S. Gray
Eben Grosvenor " " "
David Gots
William Gallop
Alex Gaston
Stephen Gardner—2 dolls to S. Gray
Stephen Gardner Junr 2 dolls to S. Gray
Johnathan Gardner " " "

David Griswold } 2 dolls pd the Journ^{s} Committee
Elijah Griswold }

H

John Humphreys
Nathaniel Holcomb
Johnathan Humphreys
Zadock Hodgkiss
Joseph Holland Jun^{r}
Elisha Hurlburt
Joseph Holland Esq^{r}
Thomas Head pd 6£ to S. Gray
Robert Hunter pd 2 dolls to S. Gray
John Hunter " " "
John Hall
James Howes
Ephraim Hyde
Caleb Hyde pd 2 dolls
John Howard
Hezekiah Humphreys
John Hubbard Jun^{r}
Henry Hewitt 2 dolls pd to Capt. John Fitch
John Howard 2 dolls pd to S. Gray
Widow Sarah Huntington -2 dolls. pd Capt. John Fitch
Stephen Harden 2 dolls. pd S. Gray
Abraham Harden 2 dolls pd to S. Gray
John Hough 2 dolls. pd to the Journ^{s} Committee
Joseph Horseford " " " "
Daniel Horseford " " " "

J

John Judd 2 dolls. to Journeing Committee
Peter Judson
Phineas Judd
Robert Jemison
Caleb Johnson
Thomas Jewell
William Jackson 2 dolls pd Capt. John Fitch
John Jenkins 2 dolls. pd S. Gray

K

Stephen Kellogg }
Joseph Kyle }
Archibald Kasson } 2 dolls pd to Capt John Fitch
Samuel Kasson }
Adam Kasson }

Jeremiah Kenney
Moses Kenney
Gideon Kenney
Matthew Kenney
Spencer Kenney
John Kenney
} 2 dolls pd to Capt. John Fitch sold to John Pellet cert. given

John Kenney Junr
James Kagwin
Henry Kirkhorne
John Kagwin
Hugh Kennedy Junr
} 2 dolls pd to S. Gray

Thomas Kennedy Junr 2 dolls pd Capt. John Fitch
Seth Kent 2 dolls pd Journeying Committee
James Kasson " " " "

L

David Lusk
Johnathan Lewis
Thomas Lawrence
Rufus Lowthrop
John Leevens
Ebenezer Larnard
} 2 dolls. pd to S. Gray

Stephen Lee 2 dolls. pd Journs Com. ½ of this right Sold to Dan. Holmes
Isaac Lee 2 dolls pd Journs Committee

M

Timothy Moses
Edward Mott
James Montgomery
John Montgomery
Gaun Miller
} 2 dolls pd to S. Gray

Peter Miller
Samuel Moulton
Samuel McFarland
John Montgomery Junr
Joseph Moffit of Strawbridge
Monasth Miner of Voluntown
} 2 dolls pd to S. Gray

Thomas Mansfield 2 dolls pd. Capt. John Fitch
John Manning —2 dolls pd Journs Com. ½ this right Sold to Silas Walker

N

Lott Norton
David Nevans
David Nevans Junr

O

John Owen
Josiah Olcott 2 dolls. pd Journeying Committee

P

Ezekiel Pierce Esq^{r} 2 dolls. pd John Fitch
Joseph Park
Johnathan Pettibone
Hezekiah Philips
Dan Philips
Wm. Parks 2 dolls pd to S. Gray
John Pellet
Matthew Patrick—2 dolls pd. to S. Gray
Jacob Patrick -2 dolls pd Cap. John Fitch ½ Sold to Ebenezer Patrick
Matthew Patrick Jun^{r}
William Prince
Israel Putnam
Seth Paine
Lemuel Pierce
Abel Pierce
Joseph Phillips 2 dolls pd to Capt John Fitch
John Park
Ben^{j} Park
Ben^{j} Park Jun^{r}
Lieut. Jos. Park
Thos Pierce ½ paid
Joseph Parkhurst
John Patrick
Benj. Pierce of Scituate 2 dolls. pd to S. Gray
Robert Park, Nathan Park } 2 dolls pd Journeying Committee

R

Greenfield Randall - pd 2 dolls to John Smith Esq whole Sold to Phil. Pearl -he Sold ½ -Cert. given for the other half
Patrick Ray
Josiah Russel
David Ripley
Stephen Rhodes
Jeremiah Ross, Stephen Rhodes, Stephen Rude, Obadiah Rhodes Jun^{r} } 2 dolls pd to S. Gray
Obadiah Rhodes

Grindall Rawson
Ebenezer Robinson 2 dolls pd. to S. Gray Esq

S

Noah Stantly pd 2 dolls to Journ^{g} Committee
John Stantly " " " "
Timothy Stantly " " " "
Ebenezer Smith Jun^{r}
Gadd Stantly
Solomon Stodard
Stephen Skniker
Thomas Snell 2 dolls pd. to Capt. John Fitch
Cyprian Stevens
Jonas Shepherd
Lemuel Smith 2 dolls pd to S. Gray
John Smith Esq 2 " " to Capt. John Fitch
John Stevens, Isaac Stevens } 2 dolls. pd to Capt. John Fitch
Ezekiel Spaulding
Stephen Stoyel 6£ pd to Esq Smith, ½ Sold to Vernon
Moses Smith
Francis Smith 3^{d}
Benj. Smith
Benjamin Shephard
Jonas Shephard Jun^{r}
John Spaulding
Jesse Spaulding 2 dolls. pd. to Capt. John Fitch
Thomas Stewart " " " to S. Gray
Samuel Silsby 2 dolls. pd Journeying Committee
Joseph Skinner
John Slaft
Thomas Stevens 2 dolls pd Moses Smith
Abraham Snow of Windham—2 dolls pd Capt. John Fitch
John Streator of Stowbridge 2 dolls pd. S. Gray
Johnathan Saugher of Ashford—1 doll. pd to S. Gray for ½ Share
Nehemiah Sleaners, Andrew Sleaners, Sol. Stoddard, Ebenezer Smith Jun^{r} } 2 dolls. pd Journeying Committee
Ebenezer Smith 2 dolls pd Journeying Committee

Uriah Stevens
Joseph Smith Jun^{r}
Thomas Steel
Benj Shoemaker
Samuel Silsby
Daniel Shoemaker
} 2 dolls pd to Jed Elderkin

T

Samuel Thomas
Phineas Tracy
Simon Tubbs 2 dolls. pd to S. Gray
Jos. Taylor pd to J. Fitch January 9 1754
Philip Turner 2 dolls pd Journeying Committee
Lemuel Taylor " " " "

V

John Viets
Israel Underwood pd 2 dolls to John Smith Esq

W

Johnathan Wright
Daniel Whassel
Judah Wright pd 2 dolls to the Journ^{s} Committee
Eliph Whittlesy " " " " "
Johnathan Whassel
Ichabod Wells
Nath^{l} Wales Jun^{r}
Joseph Walden pd 2 dolls to Capt John Fitch
David Waters pd 2 dolls to S. Gray
Wm. Williams of Colchester pd 2 dolls. to S. Gray—Sold to John Ackley & Cert. given Ackley
Isaac Warren—2 dolls pd Capt. John Fitch
Ephraim Woodward
Nathaniel Williams
John Wiley 2 dolls pd. to S. Gray
Thomas Wiley 2 dolls pd to Capt J. Fitch
Hugh Wiley
James Wiley
} 2 dolls. pd to S. Gray
John Webb
Timothy Warner
Ebenezer Wright Jun^{r}
Ebenezer Wright 2 dolls pd Capt. John Fitch
Isaac Woodward
Thomas Warner
Wm. Whiting
} 2 dolls pd the Journ^{s} Committee

Y

Joseph York
William Young
John Young pd Jed. Elderkin ½ share

At the aforesaid meeting voted, that Capt. John Fitch, Mr. Jed. Elderkin, Mr. S. Gray, be a Committee in order to hold the original subscription, Made and Come into by Sundry persons dated 8th July 1753, in order to procure and purchase the native right of a quantity of land near Susquehanna; to receive the money thereby to be paid, and the Same to deliver to the Committee appointed to go on the affair to Said Susquehanna; take their receipts therefor, and when Said Committee Shall return, to take and Examine the accounts, and receive the Same, and what Said Committee Shall return, and to grant a copy of s[d] Subscription to s[d] Committee for procuring Said right, and to any other Subscriber that Shall desire the Same, for reasonable pay therefor—

Articles dated July 8. 1753.

— — —

Sep. 6, 1753

At a meeting of the Company Engaged in the purchase of the Western lands near Susquehanna River, legally warned and assembled in Canterbury Sep 6. 1753, Eliphalet Dyer Esq was chosen Moderator, Sam. Gray Clerk of Said Company.

Whereas, Capt. Wm. Whitney, and Isaac Woodworth, a Committee appointed by a number of people that met and Convened at Colchester on the 28th of August last, and entered into a certain Covenant and agreement to purchase the native right to a Certain quantity of land lying at, or near Susquehanna, or the Fork of the Delaware River, which Covenant being agreeable to, and Corresponding with our Covenant and agreement already made for that purpose the Said Whitney and Woodward applying to us in behalf of Said Committee, in order to join and incorporate themselves and Company—Subscribers to their Articles with us, as one Entire body for the purpose aforesaid.

Company of Colchester.

Thereupon voted, that the Company aforesaid be and they are hereby incorporated with us as one Entire body, for the purpose aforesaid, with all the privileges and advantages that we each of us have in Said affairs- provided, Said Company do Come into, and pass the Same vote as above Said, with respect to us, and do join a Committee with our Committee, to go and repair to Said Susquehanna, for the purpose aforesaid, on or before the

Colchester and Susquehanna Cos. Consolidated.

1st day of October next. Voted, that any Subscriber that Sees Cause to pay in but one dollar, may have the liberty, So as they thereby become Entitled to but one right to Said purchase, and be at Charge in the affair proportionate thereto.

4 rights allowed.

Voted, that whereas the time for our Committee to go on Said Affair was by the 1st of September, it is now voted, that but three of Said Committee go on said Affair, provided the Said other Said Company join us, and that the Said Committee are allowed until the beginning of October next, to Set out on Said Journey -and that any person be allow'd to Subscribe Said Articles, paying a Sum not less than one dollar at any time before Said Committees setting out as aforesaid, and also that Said Committee may have liberty, at their discretion, to take in Subscribers on their journey on the Same terms as is before agreed upon.

Minors Excluded.

Voted that no Minors Shall have any benefit by Signing or Subscribing to the aforesaid Articles.

Jany 9, 1754.

At a meeting of the Company Engaged in the purchase of the Susquehanna lands, legally warned and assembled Jan: 9, 1754, Major Eliphalet Dyer then chosen Moderator, Samuel Gray was chosen Clerk. Question proposed, whether we will admit any more persons into this Company as proprietors? Voted in the Affirmative.

New proprietors to be admitted.

Mr. Stephen Gardner, John Smith, Ezekiel Pierce Capt. Robert Dixon and Mr. Jedediah Elderkin—Appointed a Committee to Enquire of, and Judge what persons ought to be admitted into the Company, with all the privileges already accrued on the first terms, and report to this meeting.

Voted that those persons that are hereafter admitted, Shall pay 4 dolls, and Such as do, Shall be entitled to all the privileges already accrued, and to one Share in the premises, on the Same Conditions as in the original Covenant.

Voted that there may be admitted to make this body to the number of 350,—upon the above Conditions.

Voted to reconsider the last vote respecting the number of proprietors.

Voted that there may be admitted to make this body Consist of the number of 500—upon the Condition of paying 4 dolls. for a whole Share, and 2 dolls. for a half Share, to make them Equal with the Costs of the first Subscribers, and Such further Sums as is, and Shall be raised upon the Same Conditions, and with the Same privileges as Contained in the Original Agreement and Covenant. Voted the following persons on this page to be admitted on the first terms—viz :

Lott Norton
William Churchill pd S. Gray 6. 10. 0 old tenr
Josiah Curtis " " " "
Nathan Booth " " " "
Ichabod Wells " " " "
Phineas Judd (whole Share) " " " "
Stephen Skinner
Thomas Stantly
John Elderkin
Eli Collins
Danl Alden
Nathl Loomis
James Jones
S. Reed pd to Stephen Gardner
Wm Fitch pd 2 dolls to S. Gray
Wm Swetland
Peter Swetland
Ebenezer Leech
James Bradford—pd. S. Gray 6.10.0 old tenr.
Ephraim Harris
Seth Cook
Isaac Sawyer
Hugh Wiley Junr
Joseph Bingham Jun
Jo Reed
Johnathan Harris
Joseph Taylor
Thomas Jones
Benj Parke
James Douglass
Matthew Patrick 2 dolls. pd to S. Gray
Nathanl Wales Junr pd 6.10.0 to S Gray old tenr

Voted that Mr. Timothy Woodbridge of Stockbridge, be incorporated into this Company, and Entitled to one whole Share in the purchase of this land, as a free donation from this Company.

Voted, that if Deacon Woodbridge desires Capt. Stevens to go with him to the Sachems, in order to help and assist him, he shall go.

Voted, that Eliphalet Dyer Esqr, and any other person or persons that the Committee shall think fit, shall repair to Stockbridge at any time, when the Committee shall think fit to accomplish the Affair.

Voted, that Capt. John Fitch, Mr Jedediah Elderkin and Mr. S. Gray—be a Committee to receive the money of the Subscribers, or those that Shall incorporate with this Company,

Enroll their names, give and Execute receipts according to the votes of this Company, and to dispose of the money by them rec[d] for the use and benefit of Said Company, for making the Susquehanna purchase—& the Expenses thereof, to Call meetings when they judge it necessary, and further to manage and order the prudentials of Said Company in that Affair, and to render an account of their doings, and what they may have Expended, and for what purpose, when thereto required or desired by Said Company.

Voted that Each of this Company already Enrolled, pay tax unto the Committee appointed to receive the money, one dollar Each upon a whole right, to be paid in Six weeks as an addition to what is already raised, and that all after Subscribers, pay the sum voted to pay on their admissions, with the addition of one dollar more as aforesaid.

Voted, that Mr. Timothy Woodbridge of Stockbridge be an Agent for the Company agreed for. the Susquehanna purchase to order, Act, and transact the whole Affair of Said purchase, with the Chiefs of the Indians that are the Native proprietors of the land proposed by the Said Company to be purchased; take and receive proper Conveyances of the lands purchased from Said Chiefs for Said Company, to transact all matters relating to Said Affair according to his best discretion, hereby ratifying and Confirming what our agent Shall do in the premises.

Whereas there were Several gentlemen appointed Committeemen in the Susquehanna Affair, in Hebron, Colchester, New London and Norwich, which have not yet Sent in their Accounts of the monies of the persons that paid before the Committee Set out on their Journey, nor have yet delivered in all the money that they received; it is now Voted, that the Said Committeemen act no further as Committee Men in the Affair, and that Mr. Stephen Gardner forthwith repair to the Said Committee Men, and desire of them the names of Such persons as did pay their money as aforesaid, and to receive the remainder of the money in their hands, and to return the names of Such persons, to be Entered in the records, and to return the remainder of Said money to Messrs. Fitch, Elderkin and Gray, take their receipt therefor, to be Empowered for the Companys use—

Voted, that there Shall be liberty given to the inhabitants of the County of New Haven, to go in with this Society, according to their Articles and, votes, to the number of forty persons, and also in the County of Fairfield forty persons on the Same, and in the County of Litchfield twenty persons, besides that have already joined, and in the County of Hart-

ford, besides those that are already joined, thirty persons, and in the County of New London twenty persons besides those that are joined, and in the County of Windham ten persons besides those already Enlisted, and that five weeks from this time is allowed for the above mentioned numbers in Said Counties to join, and Enlist, and pay, according to our votes and Articles—and after the Said five weeks are out, one week and no more, is allowed to any person to join in any of the Counties, to the number voted, Saving the number of fifty persons Specially reserved—

In the County of New Haven—Mr. Thomas Darling
In the County of Fairfield Mr. Sam Adams
In the County of Hartford—Mr. Thomas Stantly
In the County of Litchfield—Mr. Uriah Stevens
In the County of New London—Mr. Stephen Gardner, are appointed to take the names of those persons that move to join in form aforesaid, and receive their money, give receipts, and deliver Said money to the Standing Committee, and take their receipt—

Approbation of the Governor Solicited.

Voted the Committee in behalf of the Company, desire his honor the Governor, So far to favor our design in making our intended purchase of the Natives right to a quantity of land, on or near Susquehanna, as to Send his approbation of Said design to Mr Timothy Woodbridge of Stockbridge, who is by us appointed to go to the Chiefs, in order to make Said purchase, in order to be Communicated by him to Said Chiefs, or any other way his honor Shall think proper—

Vote to adjourn this meeting to the third Wednesday in April next, at Windham, about ten Oclock in the morning—

April 17, 1754.

At a meeting of the Company Engaged in the purchase of Susq^{h} land, April 17, 1754.

Mr. Jedediah Elderkin Moderator—

This meeting is adjourned to Wednesday the first of May next, at Windham, at 9 oclock in the Morning, in order to See if this Company will admit a larger number of proprietors, and any other business proper to be done on Said day.

An account of those persons who have paid the advance dollar to S. Gray, according to the vote.

Stephen Gardner
John Hunter
Gershem Durrance
Spencer Kenney
John Steavens
Thomas Steward
Sam[l] McFarland
Sam[l] Durrance, clerk } 1 dollar
Joseph Kyle
Jacob Patrick
Ebenezer Smith Jun[r]
Joseph Eaton
Sam[l] Hunter
Jeremiah Kenney
Joseph Phillips
John Larabe 3⅔

William Chandler Esq
Moses Barrett,
Gideon Bingham
John Smith Esq
Abijah Cady
Ebenezer Smith
Robert Hunter
Thomas Pearce
John Kenney
Jas. Montgomery
Goin Miller
James Dixon Jun[r]
William Jackson
John Durrance
Matthias Patrick Jun[r]
Isaac Lee
} 1 doll.

John Douglass £ 1. 12. 6
Francis Colgrove
Noah Briggs
Eliphalet Whittlesey Jun[r] } £ 3. 5. 0 old ten[r]
Benj. Gray—1 doll. and 2 more to make a whole share
Geo. Crary
Oliver Crary
Aaron Crary
Hugh Wiley
James Wiley } £ 3. 5. 0 old ten[r]
Nath[l] Daniels
Ebenezer Grosvenor
Robert Crary
John Grosvenor
Benj. Pierce
Jesse Spaulding
Thomas Stantly
Jn[o] Montgomery
John Canada
Jn[o] Montgomery Jun[r]
Noah Stantly
John Larans
Timothy Stantly
Wm. Huston
Eben Larnard
Adam Kasson
Sam[l] Kasson
Barthol Arthur
M. Nehemiah Baker } 1 dollar.

Christopher Crary
Wm. Crary } ½ dollar.

Stephen Rude
John Campbell
John Wiley
Moses Fish } £3.5.0
Caleb Bates
James Douglass of Voluntown.

James Campbell Junr
Jos. Alexander
John Campbell, 3d } 3⅔ old tenr
Sam. Douglass of Voluntown.

The foregoing accounts received into my Ledger

April 30, 1754. Eleazer Fitch Esq—pd 1 dollar
Obadiah Newcomb " "

Obadiah Rhodes Junr—pd 1 dollar

Isaac Sheppard
Joseph Warren
Seth Dean
Jeremiah Mason Junr } £ 3.5.0
Jeremiah Mason
Isaac Woodworth

May 29—the foregoing account is Carried into my Ledger—

— - -

An account of persons newly Enlisted Jany 9, 1754 and paid to S. Gray

Nathaniel Hovey £ 16. 5. 0 old tenr
Prince Tracy 4 dolls—
Noah Gilbert £ 16. 5. 0 old tenr
Danl Knowlton ½ share
William Huston 4 dolls.
Moses Fish £ 13 old tenr
Zachariah Bicknot ⅓ share
John Johnson Junr £ 16. 5. 0
Wm Chandler Esq 4 dolls
John Wright ½ share
Saml Douglass of Voluntown 2 dolls
Joshua Douglass 2 dolls
Nathaniel Warner £ 16. 5. 0
Gershorn Dorrance 4 dolls.
Thos. Pierce 4 dolls.
Alexander Stuart ½ share 2 dolls
Saml Chandler Esq 4 dolls. Cert. given
Benajah Bill 2 dolls ½ share

Elias Frink Jun^{r} £ 6. 10. 0 old tenor
Daniel Stoughton £ 8. 2. 6 & 2½ dolls. for whole share
Benj. Follett £ 8. 2. 6 for ½ share
Jonas Sheppard £ 13. 0. 0 old ten^{r}
Joseph Hazen ½ share £ 8. 2. 6
Samuel Webb Jun^{r} £ 6. 10. 0
Seth Wright 2 dolls
Nath^{l} Barney 4 dolls.
John Larabe ½ share £ 6. 10. 0 old ten^{r}
Nath^{l} Wales Esq pd in old tenor & silver £ 16. 5. 0 for whole share
Henry Bass ½ share £ 8. 2. 6
Zebediah Farnum £ 13. 0. 0 old tenor
Phineas Lyman 5 dolls
Simeon Dean of Taunton
Ephraim Dean of Taunton } 2½ dolls for ½ share

The foregoing account of Money received by me in this and the other page, Carried into my Ledger

May 1, 1754. At a meeting of the Company Engaged for the purchase of the Susquehanna land May 1st 1754 by adjournment, Jabez Fitch Esq, Moderator—Voted to admit more proprietors into the Company.

500 persons to be admitted Voted, to admit into this Company 500 persons proprietors in the purchase of the Susq^{h} land provided, Each person for a whole Share pay 5 dolls to the Committee as appointed to admit persons by the 25th day of May instant.

Whereas it is already voted that 500 persons more be admitted into the Company for the Susq^{h} purchase now voted that in order to make up that number

80 persons more be admitted in the County of Hartford
80 " " " " " New Haven
80 " " " " " Fairfield
80 " " " " " New London
80 " " " " " Windham
40 " " " " " Litchfield and

60 are reserved for particular persons, and Mr. Thomas Stantly, and Mr. Stephen Gardner for the County of Hartford, Mr. Thos. Darling in the County of New Haven, Capt. Sam^{l}. Adams for the County of Fairfield, Mr. John Elderkin for the County of New London, and Capt. Uriah Stevens for the County of Litchfield, be a Committee in the respective Counties to which they belong, to admit the number above assigned to each County, receive the Money, and make return thereof, with the names of the persons admitted to the Standing Committee, by the 1st of June next.

Voted, that the power and authority of the Standing Committee, viz Capt. John Fitch, and Mr. Jedediah Elderkin, and Sam[l] Grey be Continued according to our former vote, and that they admit the number of persons to be admitted, in the County of Windham, and also admit those persons that they think fit, to fill up the reserved number.

Windham Proprietors.

Persons Enlisted into this Company by Mr. Elderkin of Windham.

Mal. Butler	David Bigalow Jun[r] ½ Share
John Spencer Jun[r]	Joshua Wells
Jos. Follet	Joseph Hubbert
Gideon Hibbard ½ Share	John Young ½ Share
Joshua Read ½ Share	Isaac Savage
Elijah Hide	Sam[l] Hagg
Nath[l] Cushman	Daniel Southwop
Caleb Hide	Stephen Beckwith
Obadiah Newcomb	Jeremiah Clemens
Jos. Bingham Jun[r]	Samuel Gore
Jos. Babcock ½ Share	Benj. Gale
Sam[l] Bennet ½ Share	William Whitney
John Strong	Barazilla Henda
Noah Dewey	Isaac Laurance
Jos. Skiff	Jos. Palmata
Roger Wolcot Jun[r] Esq	Jacob Simons 3[d] ½ Share
Thos. Stantly	Zeb Hibbard ½ Share
Lott Norton ½ Share	John Elderkin—half this right Sold to Eben Lathroop Jun[r]

Persons Enlisted September 1753

David Barber
Niles Coleman
Alex Phelps
Benj Pomeroy
} pd to Dewey and Bulkley

August 1753 Eliphalet Dyer Esq -Sold two whole Shares viz— to Levy Allen of Salisbury, to Ira Allen Each one whole Share

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Hartford proprietors.

An account of persons admitted by Mr. Thomas Stantly in the County of Hartford, & the money paid him.

Col. Elisha Williams	1 of the 50
Col. Sam[l] Talcott	5 dolls Each.
Dan[l] Edwards Esq	
William Pitkins Jun[r] Esq	
Matthew Talcott	5 dolls.
Joseph Chureh	

Phineas Lewis John Strong Hezekiah May Capt. Thos. Wells Capt. Jos. Griswold Mr. Jas. Lockwood Elisha William Jun^{r} Doe Ezekiel Porter	$2\frac{1}{2}$ dolls.
Ezekiel Williams 5 dolls.	
Samuel May Joseph Wells Thos. Belding Jun^{r}	$2\frac{1}{2}$ dolls.
Capt Thos Seymour Andrew Robe	5 dolls 1 of the 50
David Phelps of Lymsburg Hezekiah Phelps Doe. Jos. Wells Russell Woodbridge Hezekiah Humphrey John Viets Timothy Seymour Wm. Stantly, & Capt. Sam^{l} Wells	5 dolls Each.
Sam^{l} Curtis John Hart Capt. Wm. Wadsworth eert given to heirs Peter Judson	$2\frac{1}{2}$ dolls each.
John Humphreys Esq Roger Hooker Alex Walcot Sam^{l} Talcott of Gastonburg John Horsemore Esq John^{a} Hall Esq^{r}	1 of the 50.
Abner Mosely	5 dolls Eaeh.
Thos Welles Esq Pelatiah Mills Daniel Goodwin	1 of the 50.
Geo. Wyllys Esq Jon^{a} Humphrey Jon^{a} Pettibone	1 of the 50.
Nehemiah Lewis, $2\frac{1}{2}$ dolls.	

Feb 13, 1754, an account of Sundry persons, for whom Mr. Thos. Stantly has paid the advance dollar

John Stantly	Sam^{l} Flagg
John Judd	Judah Wright

Elijah Griswold
Elijah Francis
Josiah Curtis
Joseph Smith
Joshua Wells
Phineas Judd
David Griswold
Joseph Hollibut
Stephen Skinner
Wm. Andrews
Nathan Booth
Stephen Lee
Lot Norton
Gideon Deming
Ichabod Wells

Meeting at Hartford Nov. 27. 1754.

At a meeting of the Company Engaged in the purchase of the Susq^{a} land legally warned and met at Hartford Nov. 27, 1754—Eliphalet Dyer Esq^{r}, Moderator—Samuel Gray Clerk.

Voted that Roger Walker Jun^{r} Esq, Phineas Lyman Esq, Geo Wyllys Esq, Daniel Edwards Esq, & Eliphalet Dyer Esq, be appoint and they are hereby appointed and fully Empowered as a Committee, to manage, transact and do Every thing in the name and behalf of the Susq^{a} Company, in order to prepare the Case of the Susq^{a} purchase lately made of the Indians, and all proper Exhibits relating thereto, in order to lay the Same before his majesty for his grant and Confirmation of the lands Contained in Said purchase, and for incorporating Said Company, and forming a government for the regulating and managing Every affair relating thereto, for the good of the Same, and to order and draw out money out of the Treasury of Said Company, as there Shall be occasion therefor, for the purpose aforesaid, and the Major part of Said Committee are hereby Empower'd fully to act according to the above vote.

Name of association.

Committee for Royal incorporation.

Voted, that Geo. Wyllys Esq^{r} be, and is hereby appointed Treasurer of this Company, to receive the moneys that is already or shall be raised by the Company, and pay the Same out as he shall receive orders from the Company, from time to time, and to keep an Exact account of the Same, and give his receipts therefor, and the Same to be lodged with the Clerk of the Said Company.

Treasurer appointed.

Passed

Voted, that the Several persons that has been appointed and entrusted by this Company, to receive and take in Subscribers in the Company, and receive the money therefor, forthwith Exhibit to the Clerk of this Company the names of all persons they have received as aforesaid, with their names fairly written, with the Sum or Sums received of Such persons So received, to their Said names annexed, and to whom they have heretofore transmitted the Same, and to pay the money that they have received not already paid, unto Samuel Gray.

Voted, that all persons that are now, or Shall hereafter be admitted into this Company, who Shall fail or neglect to pay into the person appointed to receive the Same, their full quota or part already voted for them to pay in by the 21st day of December next, Shall be utterly refused, and debarred, to have his name transmitted, to be named in his Majesty's grant to this Company, Except they offer Such Special reasons, as Shall be acceptable to the present Committee appointed to Settle and transmit the general plan of this affair, and under their hands or the major part of them, Signify to the clerk.

Voted, that Major Woolcot, Major Lyman, and Mr. Daniel Edwards be a Committee, and they are hereby Empower'd to Settle and adjust all accounts, with Capt. John Fitch, Major Jedediah Elderkin and Samuel Gray, and receive the money in their hands not already Expended, and the accounts well adjusted to be lodged with the Clerk, and the money they Shall receive, to deliver to the Treasurer of this Company, and Fitch, Elderkin and Gray, are hereby directed to account with the Said Committee, and pay the money in their hands not yet Expended, to Said Committee, taking their receipt therefor, and report of the Same to be made by the Sd Comtee to the next meeting—

Voted, that there be added and admitted into the Company to make in the whole to the number of 800 wholesome persons, and to be received at the discretion of the Committee appointed to Settle and prepare this affair for his Majestys grant &c, So that the persons hereafter admitted pay 9 dolls. on their admission by Said Committee, and have their names Enrolled by the Clerk of this meeting, and that the Said persons So admitted, have their names, together with those already admitted, all transmitted be grantees in his Majesty's grant to this Company.

Voted, that 1000 dollars be immediately transmitted to Col. John Lydens of Albany, in order to Complete the purchase, and in Compliance with the engagements of the former Committee viz. :

John Fitch, Saml Gray, Jedediah Elderkin, and more if necessary fully to discharge our Said former Committee from the Same Ledius.

Voted that Col. Sam. Talcot, for the County of Hartford
Isaac Tracy, " " New London
Saml Gray, " " " Windham
Oliver Woolcot, " " " Litchfield
Saml Barnes, " " " New Haven
Joseph Wakeman " " " Fairfield

to be a Committee to receive the money to be advanced, and transmit the Same to the Treasurer of this Company.

Corrections of names in the deeds.

David Henshaw in the deed, ought to be James Handshaw, Joseph Wheeler, Joseph Haines, Dennis Reeser, Sam[l] Handy, John[r] McDole, J[r] Drake, Wm Levon, Lambert Brink, Patrick Maconnal, Pierce Golden, Sam[l] Drake, Anthony Westbrook, Eman[l] Gansanby, John Fisk, Nathan Park, Duty Gerald, are not found in the deed.

Johnathan Panather Esq[r], Sam[l] Depew, Ann Depew, Solomon Gonnings, Abr[m] Fincump, these five ought not to be in the deed.

An account of the names not found in the deed—Abr[m] Thompson produced a receipt from Thomas Darling Commissioner for 5 dolls pd May 3 1754.

Ebenezer Baldwin, receipt for 5 dolls. pd Jan 14, 1754—
Joseph Griswold, " " " pd Jan 12 "
Samuel Read, " " " pd Jan. 8 "
Ebnezer Tiffany, " " " " " " "
James Perkins, " " 2 dolls. " " " "

from Stephen Gardner Committee—Richard Thornton, Nathaniel Emerson, James Ely, John Kellogg, Jabez Jones, James Jones, Joseph Burt, Consider Tiffany, Elijah Johnson, John Whitney, these produced no receipts; but Mr. Stephen Gardner testifieth, that he received their money Seasonably, and gave them receipts and the Company have their money for whole Shares.

Daniel Burg receipt for £ 6. 10. 0 Sept 28 1753
Amos Stiles " " 6 10 0 " " "
William Root ½ " " 3 5 0 " " "
John Chamberlain ½ 3 5 0 Oct. 2 "
Dan[l] Kellogg ½ 3 5 0 Sep. 28 "

Charles Dewey Committee receipt Same.

Charles Dewees, no receipt, but Johnathan Root and Amos Stiles testify that he paid his money and has a right to be entered.

Half Share men.

Nathan Man,
Ephraim Harris,
Joseph Case,
Jsoeph Burt,
John Bigelow,
Benj[n] Kilburn,
Asa Bigelow,

Whole Share men.

Charles Foot
Daniel Foot
John Clark
Johnathan Latimore
Lebeus Harris
Jeremiah Mason
Jeremiah Mason Jun[r]
Johnathan Root
Silas Helmes
Solomon Hanbleton

John Smith — Chas Bulkley
Joshua Smith — David Bigelow
Each pd £ 6. 10. 0

Lott Norton by his receipt, ought to be a whole Share man, but in the deed he is but ½ Share.

John Rathbone in the deed ought to be Johnathan, Certified by Mr. Stephen Gardner Committee. John Leavenworth owns a whole Share, but is Entered in the deed for two half Shares, and once by the name of Johnathan Leavingworth.

Thomas Kennedy in the deed, ought to be Thomas Kenney Junr.

Ephraim Tylor recpt 5 dolls Signed by Saml Adams.

We find Francis Ditto in the deed ought to be Gittean.

We find Josiah Gittean, ought to be Joshua Gittean.

We find Ebenr Grover, ought to have Junr added to his name.

William Wells is called Silas Wells in the deed.

Elizer Talcott is called Eleazer Talcott.

Thomas Lewis no receipt here, but by his attorney, Says he has a receipt for 5 dolls.

Daniel Bull in the deed, ought to be David

Abijah Crary ought to be Cady.

Herbert Bide ought to be Hibard Pride.

Constant Catlin ought to be Constant Kirtland.

Samuel Stoughton ought to be Lemuel.

Voted, that all persons named in this list, being persons that have a right, but omitted to have their names Entered in the deed by mistake, be and have their names Entered by the Clerk, and be Entitled to all the privileges of those Entered in the deed, and further, the Clerk is hereby further directed, to Certify all farther mistakes that shall appear to him Either by omission, or Misentry in the deed, and the same rightly to Enroll in his record, in order to be transmitted for his Majesty's grant.

Joseph Buckley produced Capt. J. Fitch's receipt for 5 dolls. and ought to be Entered, receipt dated May 29 1754

Benjamin Caldwell in the deed, ought to be Benjamin Colovis—

Joseph Parkhurst not in the deed, ought to be inserted in the grant, a whole Share certifa given Elijah Bingham ½ Share not in the deed, ought to be, (conveyed to Ebenezer & Saml Gray ½)

James Tracy ½ Share not in the deed, ought to be.

The names of those that Capt. Uriah Stevens admitted in the Susquehanna Company:

Capt Oliver Woolcot Esq	1	Share	Capt. Elisha Shilden	1	Share
Majr Eben Marsh	1	"	Saml Cockran	1	"
Benj Green	1	"	Jacob Sesco	½	"
Ephraim Andrews	1	"	Daniel Turner	1	"

George Palmer	1	Share	Uriah Stevens	1	Share
Thomas Williams	1	"	Zebulon Steavens	1	"
Samuel Orton	1	"	Capt. Jacob Hensel	1	"
Thomas Watson	1	"	Jos. Bird Esq	1	"
Capt. John Holmes	1	"	John Dean	1	"
Increase Mosely Esq	1	"	John Hutchinson Esq	1	"
Hezekiah Demon	½	"	Ebenr Fletcher	1	"
Joshua Whitney	1	"	Saml Stoughton	1	"
Robert Hanna	½	"	Noah Stevens	1	"
Capt. Danl Laurance	1	"	Joel Stevens	1	"
Jas. Morris	½	"	Saml Jackson	½	"
Saml Gordon	½	"	Gideon Baldwin	½	"
Abel Barnes	½	"	Hugh Orton	½	"
John Hough	½	"	Johnathan Smith	1	"
Thomas Parmalee	1	"	Oliver Sanford	1	"
Doc. Thos. Little	½	"	Azer Orton	1	"
Saml Norton	½	"	Capt. Josiah Averill	1	"
Francis Gittean	1	"	Joshua Gittean	1	"
Timothy Rose	1	"	Timothy Averel	½	"
Gilas Stone	1	"	Hezh Hooker	½	"
Thos. Fellows	½	"	Hezh Hooker Esq	1	"
Jedh Richards	1	"	James Hanna	½	"
James Fellows	½	"	Peter Grandsey	1	"
John Steele	½	"	Elisha Steele	½	"
Saml Church	½	"	Ebenezer Lewis	½	"
Caleb Wheeler	½	"	Richard Peat	1	"
Ebenezr Grandsey	1	"	Daniel Parry	1	"
Jehiel Brant	½	"	John Franklin	1	"
Robt Walker	1	"	Edwd Spaulding	1	"
Josiah Cleveland	1	"	Doc. Saml Lee	1	"
Collen Fletcher	½	"	Ebenezer Andrews	1	"
John Fellows	½	"	Saml Ford	½	"
Seth Norton	1	"	Levi Watson	1	"
Eliphalet Ensign	1	"	Lemuel Orton	1	"
Eleazer Goodin	½	"	Job Marsh	½	"
John Perkins	½	"	Danl Wilcocks	1	"
Saml Goodin	½	"	Tarbel Whitney	1	"
James Bird	1	"	Thomas Bird	1	"
John Minor	1	"	Thomas Porter	½	"
Joseph Allen	1	"	James Dunnour	1	"
Rob. Winsall	1	"	Andrew Bacon	1	"
Thos. Day	½	"	Thos. Steavens	1	"
David Bidwell	½	"	Gideon Laurence	½	"
Jesse Stephens	½	"	Joshua Rothbone	½	"
John Rothbone	1	"	Capt. David Whitney	1	"
Saml Douglass	½	"			

Windham May 1, 1754.

Account of persons I received the Money of, & Admitted:

Capt. John Wait £16. 5. 0	Benj Colwell £16. 5. 0
Alex. Gaston £9. 15. 0	Christopher Crary ½ Share
Rowland Barton £16. 5. 0	Martin Howard 5 dolls
Philip Wickinson 4 dolls.	Dan[l] Aysault £16. 5. 0
Jabez Bowen Esq £16. 5. 0	Benj. Bowen

May 9 -I Carried the account of the above money received of these persons, into my Ledger:

August 24. 1762 admitted Col. Elizer Talcott,
Solomon Avery 1 whole Share, Humphrey Avery 1 whole Share
Humphrey Avery " " " do " " " "

The above four Shares were in lieu of four receipts, made to John Rapilie's children, that were given and destroyed.

S. Gray Clerk.

An account of Money received by S. Gray, from the 10th of Novem. 1754, to the 6th of Decem. 1754:

Aaron Crery	2 dolls	Manasseth Minor	2 dolls
Moses Fish	2 "	John Kinney	2 "
Edward Mott	2 "	Rob. Crery Jun[r]	2 "
Christopher Avery	1 "	Benj[n] Avery	2 "
Geo. Avery	2 "	Oliver Crery	2 "
Wm. Crery	1 "	Spencer Kenney	2 "
Jos. Billings Jun[r]	2 "	Henry Huit	2 "
Nathan Kenney	2 "	Obadiah Rhodes Jun[r]	2 "
Thomas Kenney Jun[r]	2 "	Thomas Fish	2 "
Gideon Kenney	2 "	Benj[n] Pierce	2 "
Jo[b] Randall Esq[r]	2 "	Jehn[n] Randall Esq	2 "
Chas Harris Esq[r]	2 "	William Sheldon	2 "
Abraham Pettibone	1 "	Richard Cook	1 "
Timothy Moses	1 "	Elizah Wells	1 "
Peter Swetland	2 "	Joshua Ransom	2 "
Johnathan Harris	2 "	Mark Leavenworth	2 "
Daniel Early (or Ely)	2 "	Isaac Gallop	2 "
John Strong, Leb[n]	2 "	Timothy Seymour	2 "
Miles Coleman	2 "	Simeon Draper	2 "
Amos Stafford	2 "	Eliphalet Ensign	2 "
John Bucklin	2 "	Samuel Drown	2 "
Benjamin Colvin	2 "	Jacob Hendsdel	2 "
Thomas Stedman	2 "	James Stedman	2 "
J[n] Howard	2 "	Stephen Fuller Jun[r]	2 "
Jacob Simonds 3	1 "	Pawl Holt	2 "
Ab. Snow Jun[r]	1 "	Abiel Abbott	2 "
Jacob Case	1 "	Rob[t] Hazard Esqr	2 "
Beriah Brown	2 "	John Wright	2 "
Eben Watson	2 "	David Waters	2 "

Isaac Shepherd	2	dolls	Wm. Parkes	2	dolls
Daniel Downing	2	"	Stephen Raddle	2	"
Thomas Steavens	2	"	Thomas Pierce	2	"
Eli Colton,	1	"	Nath[l] Loomis	1	"
Lemuel Stoughton	2	"	Ephraim Harris	1	"
Lebuis Harris	2	"	John Leavenworth	2	"
John Cooke	2	"	Eph[m] Taylor	2	"
Abram Thompson	2	"	Sam[l] Duran of Scituate	2	"
Thomas Mansfield	2	"	Geo. Dorrance " "	2	"
John Montgomery Junr	2	"	Michael Dollis " "	2	"
James Dixon Jun[r]	2	"	Matthew Patrick	2	"
Silas Helme	3	"	Dute Gerald	2	"
Jacob Lisco	1	"	John Reynolds	2	"
Jonathan Reynolds	2	"	John Reynolds Jun	2	"
Jonoathan Nickols	2	"	Daniel Alden Esq	1	"
Jabez Jones	2	"	John Jenkins	2	"
Jacob Patrick	2	"	☞Joseph Easton	2	"
Noah Grant	2	"	Joseph Phillips	2	"
Hugh Kennedy	2	"	Joseph Kyle	2	"
Abijah Cady	2	"	Sam[l] Donant	2	"
Wm. Jackson	2	"	Gershom Dorrance	2	"
Edward Evans	2	"	John Dorrance	2	"
Rojer Wolcott Jun[r] Esq	2	"	Col. Sam[l] Talcott	2	"
Ezekiel Peirce Esq	2	"	Capt. Thos. Seymour	2	"
☞Thomas Burt	2	"	John Reed	1	"
Elnathan Walker	2	"	Eliakim Walker	2	"
John Smith Esq	2	"	Bartholemew Arthur	2	"
Thomas Wiley	2	"	J. Montgomery	2	"
Rob. Dixon Esq	2	"	John Regwin	2	"
Adam Kasson	2	"	Sam[l] Kasson	2	"
James Wilson	2	"	Sam[l] M[c]Farland	2	"
Noah Briggs	2	"	Johnathan Mary	2	"
John Camble	2	"	Francis Colgrove	2	"
John Wiley Jun[r]	2	"	Hugh Wiley	2	"
Wm. Williams	2	"	Hugh Wiley Jun	2	"
Gavin Miller	2	"	Alexander Gaston	2	"
Wm. Huston	2	"	Alexander Inman	1	"
Jas. Montgomery	2	"	Jn Dixon	2	"
Richard Thornton	2	"	Stephen Gardner	2	"
Stephen Harding	2	"	John Newton	2	"
Daniel Foot	1	"	John Abbe	2	"
Thos. Anderson	2	"	Pinuel Bowen	2	"
Josiah Cowles	2	"	Patrick M[c]Nalley	2	"
John Fish	2	"	John MacDole	2	"
Pierce Golden	2	"	Sam[l] Handa	1	"
Jabez Bowen Esq	2	"	Benj. Bowen	2	"

Zebadiah Farnum	2 dolls		Ebenezer Griffen	2	dolls
John Humphrey Esq	2 "		Benj. Pomeroy	3	"
John Webster	2 "		Nath[l] Wales Junr	2	"
Nathaniel Wales Esq	2 "		Alex[r] Walcot Esq	2	"
Alen Wiley	2 "		Abram Thompson	5	"
Dute Gerrold	5 "				

Dec 7, 1754.

Pierce Tracey	2 "		John[a] Sawyer	1	"
Jedediah Fay	1 "				

Dec 10, 1754.

Sam[l] Chandler Esq	2 dolls.		Heirs of Wm. Chandler [Esq	2	"
Christ. Crary	1 "		Ebenezer Larnard	2	"
Amos Stafford Junr	2 "		Rowland Barton	2	"
Jos. Bucklin	2 "		Elnathan Walker	2	"
John Rice	1 "		Sam[l] Hunter	2	"
Joseph Alexander	1 "		James Douglass	2	"
Sam[l] Douglass	1 "		James Campbell Junr	1	"
John Campbell 3	1 "		James Wiley	2	"
Oliver Babcock	2 "		Thomas Stewart	2	"
John Hunter	2 "		Robert Hunter	2	"
Joseph Lippert	2 "		Miles Jordan	2	"
Benj. Park	2 "		Benj[a] Park Junr	1	"
Ch. Foot	3 "		John Kellogg	2	"
Daniel Foot	2 "		Ebenezer Wright	2	"
Henry Bass	1 "		Benj[a] Collins	2	"
Joseph Parkhurst	5 "		Joseph Parkhurst	2	"
Thomas Mansfield	½ "				

Dec 19, 1754.

Capt Caleb Hyde	2 dolls.		Capt. Ebenezer Leach	2	"
Mr Elijah Hyde	2 "		Joseph Follet	2	"
Gideon Hibbard	1 "		Elias Frink	2	"
John Spencer Junr	2 "		Joseph Babcock	1½	"
Ebenezer Bibbins	1 "		Gadathan Simon	1	"
Eleazer Grosvenor	2 "		John Grosvener	2	"
Jacob Simond	1 "		Zebulon Hibbard	1	"
Nathaniel Warner	2 "		Moses Barnet	2	"
Bernard Dixon	2 "		Joshua Reed	1	"
Eleazer Fitch Esq[r]	2 "		James Tracy	1	"
Elijah Brigham	1 "		Daniel Stoughton	2	"
Joshua Elderkin	2 "		Sarah Huntington	2	"
Benajah Bill	1⅓ "		Joseph Worrell	2	"
Lemuel Smith	1 "		Gideon Bingham	2	"
Nathaniel Daniels	2 "		Josiah Bingham Junr	2	"

Martin Howard Esq	2 dolls		Jacob Dana Esq	1	dolls
Joseph Walden	3	"	Noah Webster	2	"
Nehemiah Backer	2	"	Dr. Moffit	2	"
John Johnson Junr	2	"	Edward Waldo	2	"
Joseph Arnold	2	"	Stephens Jenkins	2	"
Johnathan Stricklin	2	"	Thomas Jones	3	"
David Dodge	2	"	James Ely	3	"
Consider Tiffany	3	"	Nathl[a] Emmerson	3	"
☞Joseph Burt	2	"	☞Elisha Scovell	2	"
Benj[a] Sheffield	2	"	John[a] Hamilton	2	"
☞Stephen Beckwith	2	"	Elijah Johnson	2	"
Chas. Dewey	2	"	Ebenezer Tiffany	2	"
Simeon Dean	1	"	Ephraime Dean	1	"
Noah Gilbreth	2	"	Jabez Dean	2	"
Joseph Moffit	2	"	John Sheet	2	"
Ebenezer Cheeney	1	"	Phineas Lewis	2	"
Jonathan Baker	2	"	Jedediah Fay	1	"
Wm Swetland	2	"	Joseph Skinner	2	"
Jeremiah Ross	2	"	Al. Phelps Esq	3	"
Francis Hawley	2	"	David Mills	2	"
Daniel Kellogg	1	"	Charles Dewey	2	"

May 16, 1755. Carried all back of this into my Ledger.

Joseph Warren	1	doll.	Thos. Mansfield	½	doll
Jeremiah Mason	2	"	Grindall Rawson	9	dolls.

An account of the monies paid to me, one of the committee agreeable to the vote of the Susqh[a] Company at their meeting at Hartford Nov. 20, 1754, with the names of the persons that have, and the number of dollars that each particular person has paid. Annexed is their respective names, as followeth:

Ebenezer Williams	2	dolls.	Thomas Boles	2	dolls.
Abraham Harding	1	"	John Grant	1	"
Capt Wm. Whitney	2	"	Sam[l] Reed	1	"
Robert Kenedy	2	"	Jacob Geer	1	"
Benj Geer	1	"	James Perkins	2	"
Sam[l] Walworth	2	"	Thos. Wallworth	2	"
Christ. Stark	2	"	Thos. Wells	2	"
Stephen Billings	2	"	Nath[l] Parke	2	"
Oliver Spencer	2	"	Thos. Giles	2	"
Benj[a] Giles	2	"	Sam[l] Tracy	2	"
John Baldwin	2	"	Isaac Sabbin Jun	2	"
Johnathan Jennings	2	"	Sam[l] Hunn	2	"
Sam[l] Hyde	2	"	Benj[a] Wentworth	2	"
Isaac Tracy Jun[r]	2	"	Benedict Arnold	2	"
Martin Howard Esq of Rhode Island				2	"
John Bliss	2	dolls.	Abel Clark	2	"
Thomas Branch Jun[r]	2	"	Capt. Phillips Turner	2	"

John Wood	2	dolls	Jeremiah Clements	2	dolls
Phineas Holden	2	"	Herbert Pride	2	"
Joseph White	2	"	Elisha Tracy	2	"
Ebenezer Grover Junr	2	"	Hezekiah Humphrey Esq	2	"
Wm Lathrop	2	"	Solomon Hambleton	3	"
Joseph Tracy Jun	2	"	Abel Griswold	2	"
John Birchard 3d	2	"	John Reed	3	"
Elijah Backus	2	"	Simon Barkus	2	"
John Dean of Salsbury	2	"	John Birchard	2	"
John Choat	2	"	Gideon Haskell	1	"
☞Obediah Gore	2	"	☞Samˡ Gore	3	"
Ephᵃ Bell	2	"	Johnathan Hall	2	"
David Palmer	1	"	John Young	3	"
Seth Alden	2	"	Rachel Wilner	2	"
Danˡ Ayrault Junʳ of Rhode Island				2	"
Isaac Tracey	2	dolls.	J. Edgarton	2	"
Seth Smith	2	"	Isaac Warner	2	"
Gershom Bread	2	"	Danˡ Dewey	2	"
Gershom Hintley	2	"	Jacob Kimball	1	"
Benjᵃ Park	2	"	Christopher Palmer	2	"
Joseph Griswold	2	"	Abner Avery	2	"
Daniel Lathorn	2	"	John Williams	2	"
Asa Waterman	2	"	Simeon Huntington	2	"
Daniel Rockwell	2	"	John Hough	2	"
John Whitney	2	"	George Dannis	2	"
Daniel Lothrop	7	"	Ebenezer Baldwin	2	"
John Elderkin	2	"	Isaac Woodworth	2	"
Capt Philip Wilkinson of Rhode Island				2	"

Recorded and Compared by Samˡ Grey clerk.

Isaac Tracy one of the Committee—Martin Howard having pd his 2 dolls to me, I have pd. these mentᵈ in this account of Mr Tracy's back to Isaac Woodward, S. Gray.

(This is written on the side of the Original.)

Money recᵈ by Oliver Woolcot Esqr and I paid to Geo. Wyllys Esqr Since Nov. 1753 viz:

Elisha Sheldon	2	dolls.	Joshua Gittean	2	dolls.
Francis Gittan	2	"	Ebenezer Lewis	7	"
Johnathan Smith	2	"	Increase Mosely	2	"
Eben Marsh	2	"	Thos. Parmalee	2	"
Barnabas Hatch	2	"	Reuben Swift	2	"
Caleb Wheeler	1	"	John Waugh	1	"
Oliver Sanford	2	"	Samˡ Hutchinson	2	"
David Whitney	2	"	Joshua Whitney	2	"
Doc. Horseford	3	"	Turbal Whitney	2	"
Nehemiah Lewis	1	"	Sᵗ Orton	2	"

Azariah Orton	2	dolls	Lemuel Orton	2	dolls
Hezekiah Orton	2	"	Hezekiah Hooker	2	"
John Stull	1	"	Elisha Stull	1	"
Peter Garnsey	2	"	Thos. Borter	1	"
John Meiner	2	"	Jehiel Barnum	2	"
Josiah Dean	2	"	Asa Douglass	2	"
Lemuel Taylor	1	"	Sam[l] Jackson	1	"
Sam[l] Gordon	1	"	Sam[l] Church	1	"
Barilla Hindy	2	"	James Hanch	1	"
Robert Hannah	1	"	James Kasson	2	"
Archibald Kasson	2	"	Rich[d] Peet	2	"
Tim Ross	2	"	Tim Avert	1	"
Thos. Little	1	"	Silas Stone	2	"
Sam[l] Slaughter	2	"	Daniel Perry	2	"
Hezekiah Hooker Jun	1	"	Gideon Morris	1	"
Jas. Baldwin	1	"	Sam[l] Douglass	1	"
Seth Kent	2	"	Sam[l] Lee	2	"
Colton Fletcher	1	"	Nathn[l] Barney	2	"
S[l]. Grant	2	"	Leffy Newell	2	"
Wm. Fellows	2	"	Thos. Fellows	1	"
David Bidwell	1	"	Abel Barnes	1	"
Wm. Buck	2	"	Wm Whitney	2	"
Amos Pierce	2	"	☞Eben Andrews	2	"
James Beard	2	"	Matthew Patrick	2	"
Johnathan Buck	2	"	Ebenezer Fletcher	—	

Litchfield—May 2, 1755 certified by Oliver Woolcot appointed by said Company 27[th] Novem. 1754.

HARTFORD, *May*, 1775.

Att. Voted that the Committee be Empowered, and desired, to pursue our address to the Gen[l] Assembly of the Colony of Connecticut, on behalf of this Company, for their Countenance and approbation of the Erecting of a new Colony at Susquehanna, and of our application to his Majesty for that purpose, that the said Committee do as far as conveniently may be, employ a Suitable number of persons to go in concurrence with the Indians, of whom they purchased, to erect Monuments at the Northeast & Southeast Corners, of the land already purchased of said Indians—That said Committee procure to be laid out a township, or townships, and admit Settlers, thereon, upon such terms and under such regulations as they shall judge most advantageous for the Company, and safe for the Settlers—that they be empowered to build and erect a sufficient fortification, a Gristmill and Sawmill; at the charge of the Company,

in such Town, place or places, as shall appear to them necessary for the encouragement and Security of the first settlers.

That the Committee be Empowered to make any further additional purchase of lands for the benefit of the Company, and for the Enlargement of the said proposed new colony, and take new and further deeds and conveyances for the same from the Indians, in the names of the respective proprietors or members of said Company; that a reasonable address be made to his Majesty for Royal grant and Confirmation of a sufficient tract of lands to said Company, and his approbation and Encouragement of our undertaking; and to incorporate the said Company with a charter of privileges, immunities, and government, in form as near as may be, of the Constitution of the said Colony of Connecticut.

That in order thereto, a proper address from the chiefs of the six nations of Indians be procured.

Voted, that Col. Sam[l] Talcott and Capt. Thomas Seymour be added to the present Committee, jointly with them to arrange and Conduct this affair.

The above votes on this page were passed at Hartford May 1755. Teste Sam[l] Gray clerk.

N. B.—An interval of five years without a meeting.

At a meeting of the Susquehanna Company legally warned and held at Hartford, March 12, 1760, Col. Sam[l] Talcott Moderator S. Gray, clerk.

Daniel Edwards Esq Capt. Elisha Shelding, and Sam[l] Gray, are appointed a committee to call all such persons as have been receiving of money for this Company, to render an account thereof, and to lay the said accounts before this Company at its next meeting.

Voted that the clerk of this Company, make an Alphabetical roll of all the proprietors, and send one to each of the following persons, viz.

To Isaac Tracy of Norwich, to Solomon Darling Esq of New Haven, to Capt. Elisha Shelding of Litchfield, to Sam[l] Talcott Esq of Hartford, & to Sam[l] Rowland of Fairfield.

Voted, that Sam[l] Gray of Windham, be added to the present Committee, in the room of the Hon. Roger Wolcott Esq deceased.

And it is recommended in this meeting, that the present Committee, with all expedition carry into Execution the several betrustments reposed in them by the former votes of this Company.

Upon the Motion of Mr Isaac Tracy of Norwich voted, that

the present Committee, treat with the Committee of the Delaware purchase, with respect to joining, sending home to England &c, and make report to this Company at their next Meeting.

Voted, that the present Committee take into just Consideration, Mr. Ashley's and Mr. Pride's account of any disbursements made by them for this Company, and make such allowance to them out of the Company's money, as they shall judge just and reasonable.

The following persons were admitted by Thomas Darling Esq—in the year 1755 by order of the present committee—viz:

Timothy Allen of	N. Haven	1 share,
Solomon Moss of	"	1 "
Sam^{l} Darling	"	1 "
Dan^{l} Humphrey	Darby	1 "
James Baldwin	"	$\frac{1}{2}$ "
Sam^{l} Plum	"	$\frac{1}{2}$ "
Abel Gun	"	$\frac{1}{2}$ "
Joseph Hull	"	$\frac{1}{2}$ "
Richard Mansfield	"	$\frac{1}{2}$ "
Daniel Wooster	"	$\frac{1}{2}$ "
John Wooster	"	$\frac{1}{2}$ "
Benj. Bates	"	$\frac{1}{2}$ "
Gideon Perry	"	$\frac{1}{2}$ "
Harry Wooster	"	$\frac{1}{2}$ "
John Riggs Esq		$\frac{1}{2}$ "
Jon^{a} Miles	"	$\frac{1}{2}$ "
John French	"	$\frac{1}{2}$ "
Nathan Curtice,	Woodbury	$\frac{1}{2}$ "
Eben^{r} Strong	"	$\frac{1}{2}$ "
Truman Hinman,	"	1 "
Sam^{l} Hinman	"	1 "
Wm. Clarke,	Darbe	1 "
Ager Tomlinson	"	1 "
Sam^{l} Tomlinson	"	$\frac{1}{2}$ "
Nathan Allen,	N. Haven,	$\frac{1}{2}$ "
Theophilus Goodyear	"	$\frac{1}{2}$ "
Josiah Curtis,	Stratford,	1 "
Tim^{y} Pennington,	N. Haven	1 "
Eleazer Hinman	"	1 "
James Parker	"	1 "
Sam^{l} Mansfield and Stephen Allen &c		1 "
Sam^{l} Wooster of	Darbe,	$\frac{1}{2}$ "
John Griffin	"	$\frac{1}{2}$ "
Josiah Woodhouse,	N. Haven	$\frac{1}{2}$ "
Jacob Pints,	"	$\frac{1}{2}$ "

Dan[l] Hubbard	"	½ share
Amos Hitchcock	"	½ "
And[w] Graham Woodbury,		1 "
David Wooster, N. Haven,		1 "
Benj Humerville	"	1 "
Garwood Cunningham, Woodbury,		1 "
Thos Darling Esq.		1 "
John Elliott, N. Haven		1 "
Hugh Fredrick, Westford,		½ "
Philo Mills, Darbe		½ "
Sam[l] Shelton, Stratford,		½ "
James Shelton	"	½ "

Voted, that all these persons that actually paid their money to the present Committee in the year 1755, to Thos. Darling Esq by their order, to the amount of 9 dolls, for a whole right, shall be and are hereby admitted as proprietors in the Susquehanna purchase, and their names are ordered to be enrolled with the said proprietors—Adjourned without day.

Teste S. Gray clerk.

Dec 7, 1758. Eleazer Whitsman of Bridgewater for a whole right, receiv'd by Roger Wolcott Esqr, Teste S. Gray clerk.

At a meeting of the Susq[a] Company, legally warned and held at Windham Feb 25, 1761.

Eliphalet Dyer Esq Moderator, S. Grey clerk,

Voted, that Col. Thos. Trumbull, Col. Sam[l] Talcott, Major Jedediah Elderkin, Mr. Thomas Darling, Col. Eliphalet Dyer, Capt. Elisha Shelden, Mr John Smith, Capt. Uriah Steavens, Mr. Wm. Clark, & Mr. Humphreys, be a committee to join with such gentlemen as shall be appointed by the Delaware Company, to meet and enquire into the expediency of joining said Company, in an application to his Majesty for grants &c.—and prepare such drafts as they shall think proper to lay before this meeting.

Adjourned to 9 of the Clock to morrow.

Voted, to send an agent to the Court of Great Britain, Feb 27 Col. Eliphalet Dyer, Maj Jed[h] Elderkin and Doc. Sam[l] Gray, appointed a committee to settle accounts with the Executors of John Fitch deceased.

Voted, that there shall be two persons in each County, to call all persons that have been receiving of money for the Company, to account & settle with them viz—Thomas Seymour, Benj[a] Paine, in the County of Hartford, John Whitney, Daniel Lyman in the County of New Haven, Hezekiah Humphreys

Esq, Doc. Elisha Tracy, in the County of New London—Nathaniel Wales Junr. Esq., Sam. Webb, in the County of Windham. Elisha Shelding, Increase Mosely Esq in the County of Litchfield, and make a return of such accounts when settled and adjusted to the clerk of this company.

Voted, that Jonathan Trumbull Esq, Hezekiah Humphreys Esq, John Smith Esq., Thos. Darling Esq, and Elisha Shelding Esq, be, and they are hereby added to the Gen[l] Committee.

Addition to the Genl Committee.

Upon the representation made by the Rev[d] Mr. Grindall Rawson to this meeting, that he was early one of them, but failing of his name being enrolled with the first—Voted, that on his paying 9 dollars, he shall be, and is admitted—Mr. Grindall Rawson paid 9 dollars and is admitted—pd to the Clerk.

Proposed in this meeting to receive in more proprietors, the consideration of which is referred to the meeting,

Voted, that the choice of an agent, and matters relating thereto, be referred to the adjourned meeting, which is proposed to be, on the 8th day of April next, as also the consideration of this Company's promoting or sending settlers on the Susquehanna land.

This meeting is adjourned to Wednesday the 8[th] day of April next at this place, at ten of the clock in the forenoon. If that day happens to be the public fast day, then the next day.

Teste S. Gray, clerk.

Windham April 9, 1761.

At a meeting of the Susq[a] Company at Windham April 9, 1761—Voted, that the agent chosen by this Company to make application for a grant &c, if he also be chosen to represent the Delaware Company so called, for the same purpose, as to those lands purchased by them; be instructed to address his Majesty in some proper method, either by joint, or several memorials as he shall be advised will best answer the designs of both—That the Susq[a] and Delaware purchases be incorporated and made into one Civil Government &c; though each Company to hold distinct proprietors according to their respective purchases, and to that end that each Company Endeavor to pitch upon one and the same person for an agent, and that said agent both as to his salary, and Support, as well as Everything needful to Expend in order to forward the designs of said Company, each of which he is equally to represent and act for; be at the joint Cost of said companies, and in such proportion, that the Susquehanna Company pay two thirds, and the Delaware Co, one third thereof.

The above voted

And in order to raise sufficient Stock for the support of an agent &c., there be 200 more whole shares added—and Subscription herefor taken in at the rate of £8. 0. 0 for a whole Share, and that a committee be appointed in each County of this Colony, to admit proprietors, and receive the money, and the same as soon as collected, to deliver to the Treas. of said Company, and that the number affixed for each of said Counties for admission be, viz—

The County of Hartford	33
The County of New Haven	33
The County of New London	34
The County of Fairfield	33
The County of Windham	34
The County of Litchfield	33

And that Major Elijur Talcott, Daniel Lyman Esq, Mr. Isaac Tracy, Mr. Zach[a] Clark, Nathan[l] Wales Junr, and Elisha Shelding Esq. be a committee to take in subscriptions according to the above vote, and their return make of the Money rec[d] to the Treas., and the names, to the Clerk of the said Company by the 20[th] day of May next.

And that there be, and remain, 50 whole shares over and above the said 200, not to be disposed of by said Committee, but to be and remain for special purposes, to be disposed of when, and to whom it may be thought most for the benefit of the Company, and the disposal of which to be under the advice and direction of the Gen[l] Committee.

E. Dyer appointed agent to Great Britain.

Voted, that Eliphalet Dyer Esq, be and is hereby appointed agent for this Company, with convenient speed to repair to the Court of Great Britain, for the purposes aforesaid, with the powers and authorities to be signed by the committee hereafter appointed.

Voted, that the salary of the agent be at the rate of £150 Sterling per annum, and that whatever he may Expend as agent aforesaid, be at the cost of the Company, and by them advanced and paid; his said salary and proper expenses at the Company's charge, to commence on his leaving his own home on his intended vovage to Great Britain, in the purposes aforesaid, and to continue till his return; also a reasonable allowance for his time spent in the service before his embarkation, be made by the Gen[l] Committee, and to be paid him, and that said agent be forwarded with all convenient speed.

All above voted.

Voted, also, that Johnathan Trumbull Esqr, Hezekiah Humphreys Esq, Dan[l] Edwards Esq, S. Gray Esq Major Jed. Elderkin, Geo. Wyllys Esq, Capt. Thomas Seymour & Thomas Darling Esqr, or any five of those be a Committee, in order to collect

all such materials, and make all necessary preparations that may in the least manner furnish said agent to prosecute said affair, and to give letter of Attorney or procuration, to the agent, and also that they give him proper instructions, and they accomplish the same, if possible within two months.

The following is an account of proprietors taken in by Elisha Shelding Esq:

John Orton Sold to Ashahel Buck
Elisha Swift sold to Hezekiah Gold
Benj. Yale, Isaac Bull, Hezekiah Orton } whole shares
James Runnels— }

John Mitchell—Ebenezer Taylor Junr.—half shares—Entered here Aug 27, 1761.

Proprietors taken in by Zachariah Clark:

John Banks Junr	John Cluckston
David Crawford	Treat Mills
Zachariah Tomlinson Junr	Thadeus Shelton
Beach Tomlinson (½ share)	Ebenezer Lyon Junr
Eliakim Hyde	Entered here August 1761.

Proprietors taken in by Major Eliger Talcott:

John Armstead, Josiah Talcott, John Elsworth
John Liveland, Joseph Andrews, Ephraim Hollister } whole shares
John Kirby, Elisha Hollister, Israel Talcott,

Gideon Porter, Benj Ellery } half shares
John Goodrich, Ezekiel Grant }

Entered here August 1761.

Proprietors taken in by Nathaniel Wales Junr Esq:

Geo. Gordon	Capt. John Gardner	whole shares
Sam[l] Gordon	Capt. Christ Gardner	
Zeph[a] Perkins	Sam[l] Casey Esq	
David Leonard	Joseph Chew	½ shares
Sam[l] Craft	Silas Lilly	
Capt. Henry Silsby	Ashabel Webster sold to John Paine	

Entered here August 28 1761.

Proprietors taken in by Isaac Tracy:

Dudley Woodbridge	Sam[l] Avery	whole shares
Humphrey Avery Esq	James Avery	
Christ[n] Avery	Eben Backus Esq	
Christ[n] Avery Junr	Mich[l] Cook Esq	
Thomas Giles	Zab Rogers	
Wm Avery	Rev. Mr. Davis Jewilt	
Jos. Hurlburt	Humphrey Avery	
Wm Avery	Jere Harrington	
Sol. Avery, Latham Avery, Humph. Avery,		

☞Prince Alden	Azariah Lathrop	½ shares
James Haughton	Amos Geer	
George Dalton	Rev. Mr. John Barber	
Wm. Gallop	Paul Woodbridge	
Nath[l] Gallop	Wm. Morgan	
Ebenezer Thomas	Sam[l] Guild	
Abijah Palmer	Maj. John Durkee	
Dan[l] Morgan	Theophilus Rogers	
Dan[l] Douglass	Richard Mather	

Entered Oct. 20 1761.

Proprietors taken in by Capt. Sheldon since his last return:

Roger Brownson	whole share,
Rev. Mr. Steph Johnson	" "
John Mitchell Jun	½ "
Sam[l] Eno Junr	½ "
David Johnson of N. Jersey	1 "

Entered here July 6 1762.

Account of persons taken in by Timothy Woodbridge Esq in the year 1755:

David Pixley, Josiah Jones Junr, Sam[l] Brown, Sam[l] Brown Junr, Elihu Parsons, John Pixley, Isaac Vandoresum, John Williams, Amos Kellog, whole shares Warnham Williams, Israel Fortune—1 share in Comp[y].

Entered here Jan[y] 1762.

Hartford January 5, 1762. At a meeting of the Susq[a] Comp[y] at Hartford Jany 5, 1762—Timothy Woodbridge Esq. Mod[r] erator. S. Gray clerk.

Whereas, the Committee appointed to prepare the Case of the Susq[a] purchase for the agent, to be by him laid before his Majesty for his confirmation &c, has been for several reasons delayed till this time.

It is now voted, that the Committee shall immediately Compleat the preparation of the Case, in the best manner they can, and properly attested, and after taking the best advice they can, to transmit the Case to some proper person in Great Britain and in the name and behalf of this Company, to authorize and Empower him to appear for the Comp[y], and also give him proper instructions relative thereto.

Voted, that Jared Ingersoll, Timothy Woodbridge, John Smith and Job. Randall Esq[r], be, and they are hereby added to the Committee for preparing the Case.

Voted, that the major part of the Committee appointed to prepare and send home the Case of said purchase, be, and

they are hereby authorized, to draw out of the Treasury of this Compy for that purpose, such sums of money as they shall find needful to prosecute the same to effect.

Voted, that the Committee appointed to prepare and send home the Case of said purchase, shall be a Committee to use proper means to prepare the minds of the Indians for the admission and carrying on Settlements on the lands, and transact any other affairs that shall be necessary for the settlement of the said lands, and that the Committee have liberty to Employ 100 men for that purpose at the Cost of this Company.

Voted, that Thomas Fellows shall receive of the Company's Money for the use of the heirs of Wm. Fellows late of Caanan deceased, the sum of £5.8.0 land Money for a mare that the said Wm. Fellows Sold to Seth Young when in the Company's Service.

Disolved this meeting. S. Gray clerk.

Received of Isaac Bennet 4½ dolls. for half share in Susq[a] purchase—July 1755 per me Eliphalet Dyer one of the Committee Recorder per Sam[l] Gray clerk. Persons rec[d] by Elip[t] Dyer 1755 viz.: Capt. Adonijah Fitch, Dan[l] Fitch, whole shares—Capt. John Bradford, Josh. Baker Jun ½ shares James Baker ½ share—Dan[l] Rogers.

1754 taken in by Stephen Gardner—Ebenezer Williams:

Sam[l] Gray's account against the Susq[a] Company:

2 Copies for Mr. Stantly	£ 0.10.0
2 " " Mr. Gardner	.12.0
To 2 quires of paper	1.10.6
To 2 days writing to fit Mr Dyer and Mr. Elderkin, for their Journey & record votes	4.00.0
To 1 day more fitting papers for Mr. Darling & Capt. Adams	2.00.
To ½ doz more writing	1.00.0
—Settling act. with Journeying Committee	2.00.0
—3½ days more writing for said Company	3.00.0
—1 day settling acct[s] with Mr. Stantly & Co.	2.10.
—Settling sundry accounts	1.10.0
	£18.12.0

Sam[l] Gray Dr. to the Company for 182½ dolls. rec[d] of Mr. Thomas Stantly, and £10.12.6 old tenor Equal to 12 dollars—Feb 13 Rec[d] of Mr. Stantly £40.0.0 old tenor, and 4 dolls. for the 19 men's advanced dollars—entered this day on record.

Sam[l] Gray Dr. to the Comp[y] before the Com[tees] set out—112 dolls

Oct 1	delivered to the journeying Committee	99 dolls.
" 8—	" Stephen Gardner	13 "
As per receipts Jan[y], 1754		112 dolls

1 sent 40 dolls. by Mr. Elderkin to Deacon Woodbridge of the last money received by me.

Feb 13. To Cash pd Mr. Thomas Stantly for his trouble his accounts as on file £40. 0. 0 old tenor.

Here begins in the original page (1) succeeding that (62) apparently a second book though sow'd up with the same—

Hartford May 19. 1762. At a meeting of the proprietors of the Susq[a] purchase legally warned and held at Hartford, May, 19, 1762. Col. W. Whiting Moderator—John Jenkins clerk.

Voted, for the promotion and encouragement of a speedy beginning of a settlemet of our Susq[a] purchase, that there be liberty for 100 of the purchasers of the said Susq[a] purchase, by themselves personally, and not by substitutes, to enter upon, and under the Company of purchasers of the said purchase, to hold and improve a tract of land within the said purchase 10 miles square, Easterly of, and adjoining to the Susq[a] River—which said tract of 10 Miles Square, shall under the said Company by the said 100 men in equal shares, or a like proportionable part thereof by any lesser number of our said purchasers, be held and improved and be to them, their heirs &c, as a gratuity from this Company over and above their respective shares in the rest of the said purchase, with this promise, and on the following Conditions &c, no other viz—that none of the said persons be permitted to enter upon, and hold thossaid 10 miles square of land, Except such only as shall be appointed and accepted by, and be under the direction of the Committee appointed for that purpose.—And also, that the said Entrance on the said 10 miles square of land, be made within 4 months of this time, and also that the said 100 men, or such lesser number not under 50, who shall so Enter upon said 10 miles square of land within 4 months of the time as aforesaid, shall continue thereon, holding and improving the same under said Company, for and during the whole term and time of five years next, after they so enter thereon as aforesaid provided, also, that if any or all of the said persons, who shall so enter thereon as aforesaid, shall at any time during the said 5 years, or at any time before the whole matter respecting said purchase be determined distinct and separate from the rest of the said original purchase, quit

his, or their pretentious possessions of holding and improving the same under the vest of the said Company and by virtue of the original purchase, and shall make any manner of pretention of holding the same or any part of the Susq[a] purchase under any said person or persons whatsoever, that then, and in that case, his or their whole separate interest in the aforesaid 10 miles square of land, shall be to all intents and purposes forfeited, and shall revert to the said Co.

Voted, also, that the said 10 miles square of land be taken up, laid out, and improved in such manner and in such place within said purchase—provided it be Easterly of, and adjoining the Susquehanna River as aforesaid, as the person, who shall so enter thereon as aforesaid, shall think proper—And whereas, Col. Eliphalet Dyer of the town of County of Windham, hath heretofore been chosen by the said Company of the Susq[a] purchasers an agent for the said Company, to apply to the Court of Great Britain for a confirmation of the said purchase, to be by the said Agent laid before his Majesty for his royal confirmation, and hath hitherto delayed for several reasons to transmit the Same by the Said Agent, to the Court of Great Britain It is now voted, that the said Committee proceed to make Complete the needful preparations of the said Case in the best manner possible, and properly attested—and after taking the best advice and transmitting the same either by the said agent or otherwise, as the said Committee shall think proper, to some person in Great Britain—and in the name and behalf of the said Company, to authorize and Empower him to appear for this Company, and make what interest he can for us in this affair, and also that the said Company shall from time to time transmit to him all proper instruction, relative to the said purchase, as the occasion shall or may require, and said person so authorized as aforesaid, to acquaint said Committee of the first favorable opportunity to be by us improved, in sending our said agent to the Court of Great Britain for the purpose aforesaid, and it be left to the discretion of said Committee, upon the first notice of a favorable opportunity, to send home our said agent for the purpose aforesaid.

Upon the testimony of John Smith Esq of Voluntown in the county of Windham, that James Bennet of Preston in the County of New London, has paid his money and took a receipt for the same, for a whole share in said purchase, and that by some means he had lost his said receipt, and his name has not hitherto been entered upon any of the rolls of a Company—Voted that the said Bennet be now admitted as a whole share proprietor in said purchase, and that his name be accordingly entered of Record.

Voted, that Timothy Woodbridge, John Smith, Stephen Gardner, Amos Stafford, John Jenkins, Thomas Darling, Thomas Hill, and Dan[l] Laurance, be a Committee to direct and inspect the settlement to be made on the Susq[a] Comp[y] land, and are empowered to prosecute the measures proposed and voted, relative to said settlement.

How meetings are to be warned.

Voted, that upon application being made by 100 or more of the proprietors to the major part of the Committee that are authorized to warn meetings Setting forth in said application the matters and reasons why they would have a meeting warned, said Committee Shall forthwith warn a meeting, by inserting the same in the public prints at New Haven, New London, and Newport, at least three weeks before such meetings shall be held, or upon like application being made to the clerk as aforesaid, the clerk shall directly warn a meeting in manner above mentioned, and that the said committee have the same power to warn meetings at any time hereafter—when they shall judge proper, as ever they had, they publishing the same as in manner above mentioned and that said committee or clerk give more extensive warnings for meetings if they judge it necessary.

WINDHAM, JULY 27, 1762.

Windham July 27, 1762.

At a meeting of the Susq[a] Comp[y] for the further encouragement of settlers.

Whereas the proprietors of the Susq[a] Comp[rs] purchase at the meeting in Hartford May 19, 1762 Voted that 100 of the purchasers have liberty only by themselves personally to settle on said purchase and take up and improve for themselves as a gratuity from said Comp[y] 10 miles square of land on the East side of said River upon certain terms and conditions therein expressed and under the direction of a committee nominated and appointed by said meeting as per record will appear.

Settlers and Townships increased.

It is now Voted, that instead of 100 settlers as voted in the aforesaid vote—there shall be 200 settlers upon the same terms and conditions and under the direction of the same Committee and for encouragement to the said 200 Settlers proposed—Now Voted, they shall have for themselves equally between them, an addition of 10 miles square of land, together with that already granted in common between them the said 200, and in proportion for a lesser number, not less than 100 in the whole, according to the first vote the said additional tract to be laid out on the West side of the River, opposite to where the first was granted, and adjoin to said River, upon the same terms and conditions as expressed

Time extended.

in the aforesaid vote—only that they all shall have liberty of three months from the date of this meeting, to begin the settlement voted.

Voted, that David Edwards, Eliphalet Dyer, Saml Gray, Jed. Elderkin, Job Randall, Thomas Seymour, and John Smith Esq, be a Committee in order to transact and manage all affairs with respect to the Susqa Compy; Settle accounts, draw orders on the Treasurer of this Compy for money as necessary, make and transmit all necessary preparations and power, wherever needful, and on the whole, to transact all affairs to which any Committee are now Empowered; Except with respect to the settlements, and of disposing of rights in said purchase, to which Committees are specially, appointed—Voted, that Capt. Timothy Hollister be added to the committee for Carrying on the settlements.

An account of proprietors admitted by Daniel Lyman, Sep. 4, 1761:

all of New Haven

Daniel Alling	1 share	Theadore Rosseter Esq	½ share
Stephen Smith	½ "	Mr. Edmond Ward	½
David Bucher	½ "	Danl Chittenden	½
Edwd Malory	½ "	Nathl Stone	½
Hezh Parmalee Junr	½ "	Stephen Baldwin	½
John Pierpont	½ "	Michael Dudley	½
John Asborn Junr	½ "	Wm. Collins	½
Saml Bishop Junr	½ "	Danl Collins	½
David Austin	½ "	Joseph Chidsey	½
James Frisley	½ "	Mary Griswold	½
Aaron Pond	½ "	Timothy Fowler	½
		Jared Dudley	½

all of Guilford.

Johna Linley of Bradford	½ share
Saml Street Junr of Wellington	½ "
Stephen Hawley New Milford	½ "
Isaac Northrop "	½ "

The following rights and half rights in the Susqa purchase, disposed of by Daniel Lyman:

Saml Stewart of Palmer in Boston Government,			½ right
Henry Stewart of Blanford	"	"	½ "
Richard Goldsmith	1 right	Stephen Lee	1 "
Benj. Goldsmith	1 "	Rich. Goldsmith Junr	1 "
Enos Yale	½ "	Ozeas Yale	½ "
Stephen Yale	½ "	Jonn Gray	½ "
Elisha Luddington	½ "	Danl Hubbard	1 "
Nathl Green	1 "		
Leverett Hubbard Junr	½ right		
Wm. Hubbard	1 "	} Boston	
Nathnl & Jos. Green	1 "		

Nov. 4, 1762 paid Daniel Lyman

Windham, Nov. 16. 1762. At a meeting of the proprietors of the Susquehanna purchase, legally warned and held at Windham, the 16th day of Nov. 1762, Eliph[t] Dyer Moderator, S. Gray, clerk.

Whereas, it is represented to this Company, that a Congress with the Indians of the six nations is Expected at Albany, on the 22[d] day of March next, according to the agreement of John Smith Esqr, with some of said Indian Chiefs; it is thereupon voted, that the Hon. E. Dyer Esq, Timothy Woodbridge Esq, John Smith Esqr, Joh. Randall Esq, Mr. Isaac Tracy, Mr. John Jenkins, Capt Uriah Steavens and Col. John Lydius, be a committee, to repair to Albany on the said 22[d] day of March next, with full power and authority on behalf of this Company, to treat with said Indian Chiefs, respecting our purchase made of them, of lands on Susquehanna River, and settlements thereof, and procure a recognition of said purchase; and also to agree with any tribe of Chief Indians, that Complain that they have not been fully satisfied, nor receiv'd their part of the purchase money, and make such reasonable presents, and gratuities, as may be needful to Content said Indians, in our quiet possessing & enjoying said purchased lands; and if it appear that any head man, Chief or Sachem, hath not Executed our deed of said land, then to procure the said head man, Chief or Sachem, to Execute the same; and the Treasurer is hereby desired and ordered, to pay out so much of the Company's money in his hands, to the above named Committee, as they shall Judge needful to be improved by them for the purpose mentioned in this vote; and their account thereof, to lay before this Company at their next meeting, and the overplus, if any there be shall be repaid to the said Treasurer.

50 proprietors added. Voted, that 50 more proprietors be admitted to have shares in the Susq[a] land, by paying to the Committee hereafter named, the sum of £15 lawful money for each Whole Share.

Rights at £15. Voted, that the Committee formerly appointed to admit proprietors at £8. per right, be and they are hereby order'd forthwith to transmit to the clerk of this Company, an account of all such rights as have been disposed of, and the monies arising therefrom, forthwith to collect and deliver into the Treasury of said Company, and that all such rights as are now undisposed of, be disposed of at the rate of £15., as those now added are; and that Messrs Isaac Tracey, Nath[l] Wales Junr, Ezra Dean, Jon[a] Root, Uriah Steavens, be, and they are hereby appointed a Committee to dispose of all such remaining rights, as also those 50 now added, in Equal divisions, at the rate aforesaid; receive and Collect the monies thereon,

on account of the names transmitted to the Clerk, and the money into the Treasury by the 15th day of February next.

Voted, that whereas at the last meeting there was the right of two townships ordered to 200 men, who should proceed to settle on said Susquehanna land, within a certain limited time, which is now Expired, though numbers went on upon said lands in order to take possession, but thought it prudent to withdraw for a season; it is now voted, that the Same privileges be, and the Same is hereby Continued to such persons as in said former vote was provided - On Condition, they make their Entry on said lands, by the first day of June next, and continue thereon as was before provided; and also, that there be reserved in each of said townships, three whole rights for quantity, and quality, for the public use, to be hereafter disposed of, or appropriated by the Company, and that one Isaac Bennet Junr, for unjustly taking the property of Some Indians on said Susqa lands as was Supposed, be excluded from having any part in said township, and the same Committee for Carrying on Said Settlements, be also continued, and that the major part of such Committee that may be present on their march to said place, and when there arrived, to govern and control in said Affairs.

Voted, to adjourn this meeting to the Sixth day of April next, to meet at Winddam.

Saml Gray—Clerk of the Susqa Company
or proprietors Secy.

I have sold 12 rights to the persons here mentioned and as they are here set down by the hand of Capt. Timy Hollister which I desire to put on record:

To Rich. Goldsmith	1 right	John Hitchcocks Esq &	1 right
Reuben Parker, & John Parker	1 "	Isaah Brownson Peter Mulliner	1 right
Wm. Marsh	1 "	Wm. Mulliner	
Elihu Marsh	1 "	Benj. Goldsmith	1 "

Nathan Smith 1 right sold to T. Hollister, Jos. Coleman 1 "
Timothy Hollister 1 right—½ Sold to Simeon Chittenden

Timothy Hollister Junr Isaac Hollister	1 right	Solomon Hollister & Wm. Hollister Sen	1 right

Stratford March 24, 1763,—Mr. Gray be pleased to enter the above 12 rights on record. Zacha Clark
Truly recorded and compared Saml Gray, clerk.

The following is an account of sundry persons, proprietors, Admitted by Elisha Sheldon Esq. and returned to me April 8, 1763. Viz:

Saml Brown	1 share
David Landon of Guilford	1 "
Sam[l] Landon Junr. "	1 "
Jared Landon of Southold	1 "
Nath[l] Landon of South Haven	1 "
James Henderson	½ right
Sam[l] Douglas	½ "
Jos. Menels of N. Hartford	1 "
Zach[s] Case of Symsbury	½ "

Entered from his own transcript
per Sam[l] Gray, Clerk.

A list of proprietors taken in by Uriah Steavens on a vote passed Nov. 16, 1762.

David Marvin	1 old right	Nathan Hurlburt	2 rights
Benj Goldsmith	" "	Jobe Rathbone	1 "
Rich. Goldsmith	" "	Amos Rathbone	1 "
Susanna Ann & Abajail Goldsmith	1 "		

all of Goshen

April 9, 1763 Uriah Steavens

Truly recorded—Teste Sam[l] Gray, clerk.

Windham April 17, 1763.

At a meeting of the Susquehanna Company, held at Windham, in the County of Windham and Colony of Connecticut, April 17, 1763.

It appearing to this Company, that some of the proprietors of our purchase of lands at Susq[a] river, to the number of 2 or 300, moving that the lands be laid out into several townships as a part of their rights, for the speedy settlement of said lands.

New regulations about Townships. 8 townships granted.

It is therefore Voted, that there shall be eight townships laid out on said river, as near as may be to the townships granted as gratuity to the first Settlers, Each of said Eight townships to Contain five miles Square of land, fit for good improvements or Equivalent thereto, as the land may Suitably accommodate, at the discretion of a Committee hereafter named, and appointed for that purpose; reserving for the use of the Company for their after disposal, all beds of Mine ore, and Coal, that may be within the Towns[s] ordered for settlement.

Voted, that Capt. Robert Geer, Wm. Buck, John Owen Esq, Ezra Dean, Capt. Joseph Canfield, Joel Munson, Lieut. Prince Tracy each of them, admit settlers to the number of 40—Major Elizur Talcott, and Capt Uriah Stevens, each of them admit settlers to the number of 20 each, for the said eight towns[s] now ordered to be laid out, and that Timothy Woodbridge, Increase Mosely, and Job Randall Esq be a committee, with full power immediately to lay out said eight townships, limit, size and bound them out, that they may be ready as they shall be

40 allowed for a township.

wanted for settling; allowing 40 proprietors in each of said townships, to be Equally divided between them for quantity & quality, as such parts of their respective rights and shares in the whole, Excepting three whole rights or shares, in Each township, which is reserved for public use, to be here after disposed of by this Company; and upon the appearance of 21 persons on the said lands, being proprietors, in order for settling, they shall have liberty of taking up one of the said townships for them, with their associates, to the number of 40 proprietors, to settle, and so on, until the said Eight townships are taken up and settled, and that the time limited for the said Eight townships, is until the 15th day of Sep. next, and that said proprietors of said townships may appear and settle by their sons, or others well recommended, and that if there shall appear proprietors in order for settling at one time, sufficient for two or more townships that in such Case, they shall draw lots for their pitches of Said townships, and that the cost of laying out said Eight townships, shall be at the Cost of the Company, and that the terms and Conditions of the settlers holding said Eight towns, be the same as restructed to those to whom the two first towns were granted, as to the holding and claiming the same.

Voted, that Timothy Woodbridge Esq shall have and receive of the Company's Money the sum of £20. per month, for a term not exceeding six months from the time of his setting out on said affair; he to provide for himself, the other, viz:

Mr. Mosely and Randall, to be paid a reasonable sum for their services:

Voted, that Timothy Woodbridge Esq, John Smith Esq, Increase Mosely Esq. John Randall Esq and Mr. John Jenkins, be a Committee to oversee, determine and regulate, the manner and conduct of settling the two first, and eight last towns voted to be settled, as also with respect to settling, treating with, and Accommodating any, and all matters with the Indians, relating to the purchase and settling the Susqa lands—the said Timothy Woodbridge Esq to be Chief or President of said Committee, in regulating the matter aforesaid.

Voted, that the Committee appointed to treat with, and Settle and accommodate matters with the Indians, respecting the Susqa purchase, to the General Committee for such sums of money, as shall by said Genl Committee be thought necessary for Carrying on said designs.

Voted, that the Committee appointed to prepare the case of the Susqa purchase, do immediately finish the preparation, and deliver the same to Col. Eliphalet Dyer, our agent, for him

immediately to proceed to the Court of Great Britain according to the former vote of this Company.

Voted, that some proper well disposed person, or persons, be procured by those persons who shall undertake to settle on the Susq^{a} lands, according to the above vote, in order to be as a head or teacher, to Carry on religious instructions, and worship, among the settlers, to wit, of such denomination as by any particular number may be agreed upon, and to be at the Expense of those persons of such denomination, as such persons so procured shall be, until some further regulation Can be had.

Voted, that there shall be advanced out of the Treasury of this Company, the sum of £30. lawful money, to be laid out in opening and Clearing a road to the Susq^{a} lands, to be improved at the discretion of the Committee appointed for taking care of, and overseeing the settlement.

The committee report that as a recompense to Col. Dyer for his loss of time and business &c, in his former appointment, he be allowed the sum of £80., and as to his Salary as agent &c., that he be allowed the sum of £150 per year, with his Expenses as formerly voted, with this addition, that the same now Commence from the time of his acceptance, and that he also be further allowed for all necessary Extraordinary clothing, and apparatus, for his proper appearance as agent of this Company—The foregoing report of the Committee was passed in the affirmative—Teste S. Gray, clerk.

April 9, 1763. Col. Eliphalet Dyer, informing me that he accepted of the trust as agent for this Company, determined to pursue the business with all Convenient speed.

Teste S. Gray, Clerk.

Proprietors taken in by Mr. Zachariah Clark, viz:

William Noys of Groton . . . . . 1 right,
David Summers of Stratford . . . . . 1 "
Benj. Seley . . . . . 1 "
Johnathan Weeks 1 right
Elihu Marsh Junr 1 "
Abel Seley 1 "
Aaron Prandle 1 "
} all of New Fairfield
Ephraim Seley 1 right
Timothy Soul 1 "
Samuel Carter 1 "
} all of Dutchess County
Peter Mallet . . . . . 1 right
Joseph Bostick . . . . . ½ "
} of Stratford
Elijah Sill . . . . . 1 right
Ebenezer Seley . . . . . 1 "
Sold to Gid. Draper & cert. given

Dan[l] Baldwin of Sharon . . . . . ½ share
Abijah Hide of Darbe . . . . . ½ "

as per return on file.

Pursuant to a vote of the Susq[a] Company, Nov. 16, 1762— I have disposed of 9 rights in the Susq[a] lands to the following persons, viz:

John Allen of Windham . . . . . 1 right
Elihu Burnham, Farmington . . . . . 1 "
Seth Marshall . . . . . 1 "
Benj. Hungerford . . . . . 1 "
Wm. Jerron . . . . . 1 "
Elias Roberts . . . . . 1 "
☞Jacob Hungerford . . . . . ½ "
Jesse Gallard . . . . . ½ right
Zerobabel Jerome . . . . . ½ "
Oliver Tuttle . . . . . ½ "
Zabez Roberts . . . . . ½ "
Thos Cooper . . . . . ½ "
Jesse Churchill . . . . . ½ "
Timothy Jerrom Junr . . . . . ½ "

All of Farmington.

WINDHAM, *Apr.* 7, 1763.
Johnathan Root, Committee.

Proprietors taken by Mr. Isaac Tracy Esq.

Capt. John Budd 1 right } both of Southold.
Benj. Budd 1 " }
James Brown of Providence ½ right
Sam[l] Carew of Greenwich ½ "
Nathan[l] Green of Warwick ½ "
Sam[l] Landon Esq ½ " } all of Southold.
Ezra L[e] Hommidieu Esq ½ "
Thomas Young Esqr ½ "
John Overton Esq ½ "
Humphrey Avery Esq of Norwich ½ right.

Dec 1, 1762 Certified by Isaac Tracy one of the Comm[tee].

An account of the names of persons taken in as proprietors in the Susq[a] land purchase, by Ezra Dean of East Greenwich 1763 viz. :

Sam[l] Pierce of Warwick . . . . . ½ share
Sam[l] Gordon " . . . . . ½ " right
Abraham Chase " . . . . . ½ " "
Morgan Carvin " . . . . . ½ " "
Jedediah Harris of Cranston . . . . . ½

James Arnold of Warwick . . . . . 1 whole right
Nicholas Bragg " . . . . . 1 " "
Job Green " . . . . . 1 " "
Benj. Green . . . . . ½
David Green . . . . . ½
Jabez Green . . . . . ½
Stephen Hazard of South Kingston, 1 whole share.
Paul Green North " ½
Joshua Green " " ½
John Green " " ½
David Baldwin, Coventry ½

all of the Colony of Rhode Island

Windham Feb. 19, 1763—Ezra Dean as per return on file.
Nov. 16, 1763.
Sibla Avery of Groton . . . . . 1 whole share
William Gallop " . . . . . 1 " "
Palmer Avery " . . . . . 1 " "
Admitted by Mr. Isaac Tracy—as per his return on file.

Hartford, May 18, 1763. At a meeting of the Susq[a] Company legally warned and held at Hartford May 18, 1763.

Whereas, Notwithstanding the utmost fairness and Justness attending our late purchase of the Susq[a] lands, we became soon acquainted, not only with Mr. Penn's Claim and endeavours to create uneasiness, among the Indians which we have no reason to apprehend, but with his being about to make a prior Entry thereon, having as we suppose reasonable assurance of Said Indians acquiescence, Some time since voted and agreed to make seasonable and speedy Entry thereon; and also to lay Said affair before his Majesty for final settlement and decision; and whereas whether by representations mistaken or unfriendly, May be entertained, his Majesty has been induced of his royal pleasure to inhibit all entries on said lands by any party, or person soever, till due enquiry made into the state of said matter, and proper precautions taken to prevent fresh troubles among the natives, of which being duly noticed by his honor, the Governor.

Royal inhibition.

We do thereupon, as well in testimony of our grateful acknowledgements of such his Majestys paternal Care, as of our ready submission and acquiesence therein; unanimously agree and vote, that no person or persons whatever belonging to this Comp[y], shall enter upon or make any settlement, on any of those lands until the state of the case shall be laid before the King, and his Majesty's pleasure be further known therein.

Further Settlements forbidden.

Windham, Jany 16, 1765. At a meeting of the Susq[a] Comp[y] legally warned and held at Windham Jany the 16[th] 1765:

Jedediah Elderkin Esq, Moderator. Sam[l] Gray, clerk.

Whereas Col. Eliphalet Dyer, late agent for this Company, having returned and made report of the State of their Cause, and of his preferring a petition in behalf of this, as also of the Delaware Companies, before his Majesty in Council, with respect to Certain land purchased on the River Susq[a] and Delaware; the matter of which petition is still depending, and undetermined, and there being no person in Great Britain duly authorized to appear in behalf of this Company in the Matter aforesaid; Whereupon it is Voted, that John Gardiner, of Inner Temple London be, and is hereby appointed Agent for said Company, for them, and on their behalf, to appear before any of the Courts, boards, or persons of Great Britain, before whom said petition, and the matters thereof may be depending; and in any, and by all proper ways & means, to prosecute the same; and the Committee of said Comp[y] are hereby appointed and desired to prepare and Send forward to the said Mr. Gardner, proper letters &c. authorizing him accordingly; and that the said Committee hasten the Collection of the money due the said Company, for to defray the Expenses of Carrying said Cause in Great Britain.

At a meeting of the Susq[a] Com[y], legally warned, and held at Windham, in the County of Windham, Colony of Connecticut, in New England, for to hear the report of the Hon[l] Eliphalet Dyer Esq, who was by said Comp[y] duly appointed the Agent, and sent to Great Britain in the name and behalf of said Comp[y], to lay the matter of, and relative to their purchase before his Majesty, and ask in favor in, and grant thereof to said Company, and said agent having been according to his appointment, and returned, and at this meeting having given an account of his conduct and proceedings therein, with proper testimonials of his transactions and management thereof, the said Comp[y] having heard his report, and taken into Consideration the great Care, labor and industry of their said Agent in Said Weighty Cases, with his Circumspect industry in every step, to act for the best interest of said Company, and at the same time in every movement in said Case, wisely to Consider that nothing should have been done, that should have any tendency by any means whatever, to injure in the least, or Expose the Colony to which, and the most of said Company did belong; do now return to their said agent their thanks, considering their Cause at present as laying before, and waiting the determination of the Lords of Trade and Plantations &c.

That the interest and connection our agent hath in England, will be of great use and benefit to said Company in further prosecuting said Cases, We would ask said agent in our behalf, to correspond with any, or all those worthy gentlemen who are engaged in our interest, as he should see fit.

Voted, to adjourn this meeting to the 24th day of April next at this place, at 9 oclock in the morning.

At an adjourned meeting of the Susqa Company held at Windham, April 24, 1765.

Major Jedediah Elderkin Moderator, S. Gray, clerk.

Voted, that whereas there are divers persons who have been employed by this Compy, in order to admit proprietors at certain sums from time to time, by said Compy limited and sundry persons have been admitted at such sums by said Compy limited as aforesaid; but many of those who have been employed for the purpose aforesaid, have never rendered any account of their proceedings, either to the said Compy or any Committee for that purpose appointed; and as the respective sums due to the said Compy, are very much wanted, and very speedily, in order to transmit to Great Britain, to defray the charges and expenses that must necessarily arise in the further prosecution of the Claim of said Compy there, and all means for settlement have been as yet ineffectual, this Compy being desirous of bringing those affairs to as speedy a close as possible, have appointed and do hereby appoint

S. Gray Esq of Windham, to repair to the several and respective persons employed by said Company to admit proprietors, that have not as yet settled and paid in the several sums by them received, to the use of said Compy, and with such persons to settle the respective accounts, and of such persons to receive the respective sums from them due to the said Compy, or good security therefor, soon to be paid, and as soon as May be, render an account of his doings therein to the standing Committee of this Company.

Voted, that the Committee shall give order on the Treasurer of this Company, to pay Peter Harris of Plainfield the sum of £15. 1. 4, in Consideration of what Benj. Coit of Prescott received from him on account of Simeon Draper—Order given.

Voted, John Ryder be, and he is hereby admitted a proprietor of one whole right in the Susqa purchase, in consideration of his delivering his horse &c to———in satisfaction for the horse that one Bennet took from him. Voted, to adjourn this meeting to May 16th next, to meet at Hartford at 10 of the clock.

Hartford, May 16, 1765. At a meeting of the Susq[a] Comp[y] held by adjournment at Hartford May 16[th] 1765.

Eliphalet Dyer Esq, Moderator. S. Gray, Clerk.

Whereas, it appears by the settlement made by Sam[l] Gray with sundry of the gentlemen employed in selling rights for the Company, that there is more than £500 lawful money, due by good security to this Comp[y], and whereas £200 lawful money is now wanted for to remit to Great Britain, in order to forward the Cause of said Company.

It is now voted, that Benj. Giles of Groton, or any other proprietor or proprietors, shall raise and furnish the Committee of said Comp[y], with said sum of £200 or part thereof, to be forwarded to our agent John Gardiner Esq, to be improved in forwarding said Cause; he, or they, shall be refunded such sums, or such parts of it, as they shall raise out of the above said monies, with interest, and full allowance for Extraordinary trouble, as soon as the money can be collected.

Teste Sam[l] Gray, clerk.

The following persons were admitted proprietors by John Gardiner Esq, our agent in London:

Proprietors, England. Sir Herbert Lloyd, Baronet
Howell Gwynne of Garth Esq, in the County of Brecon.
Mr. John Augustine Leavy, Atty. at Law
Henry Williams of Crickowell Esq, in the County of Brecon
John Symmons of Lanstonan, in the County of Pembrook, Esq
George Winsfield of the inner Temple, Esq
Morriel Morgan Esq[r], Mr. William Powell, Atty at Law.

As per Mr. Gardiner's letter, dated June 4, 1766.

Teste S. Gray, clerk.

Glastonbury July 27, 1767.

To Sam[l] Gray clerk of the Susq[a] Company:

Sir, I have admitted the following persons, Viz:

Chas. Hollister 1 whole share—½ of this to Timothy Hollister
John Hollister ½ share—released back to the Company
Gideon Hollister ½ " Sold to Timothy Hollister
Nath[l] Hollister ½ " Sold to Zach[a] Newcomb and Cert. given
Francis Hollister ½ " released back to the Company

per Eleazer Talcott, Committee.

Recorded by S. Gray, Clerk.

Rights sold by Isaac Tripp 1767:

James Nesbit 1 right Isaac Davis ½ right
Abram Beeram ½ "

Entered here July 17, 1767 Teste Samuel Gray, Clerk.

Windham, Sep. 17, 1767. At a meeting of the Susq^{a} Comp^{y} legally warned and held at Windham Sept. 17, 1767.

John Smith Moderator, S. Gray, Clerk.

This meeting was adjourned till the 2^{d} Wednesday in November, to meet at this place S. Gray, Clerk.

Nov. 11, 1767. At a meeting of the Susq^{a} Comp^{y}, held at Windham by adjournment Nov 11, 1767.

John Smith Esq Moderator— S. Gray, Clerk.

Whereas, this Comp^{y} has received intelligence from Great Britain, that their agent has some time since removed from London, by means of which the prosecution of their petition has been delayed, but that there seems a favorable opportunity to prosecute the same, and nothing discouraging as to sucess, if an agent was there present to prosecute the affair, thereupon, Resolved, that it is necessary to have an agent appointed for that purpose, and that it will be necessary, over and above the Company's money that has or may be collected, to raise at least one dollar, or one dollar and a half upon a right, to prosecute said affair; and that this meeting be adjourned till the 6th day of January next at Windham, and that public notice be given thereof, by the clerk of this Comp^{y}, in all the public newspapers, that said Comp^{y} meet at that time by themselves or constituents, prepared to Consider of, and Comply with said resolve; and the Delaware Comp^{y} are also desired to meet at time and place above said. Voted.

Voted, that Eliphalet Dyer be desired to write immediately to Sir Sam^{l} Johnson Esq now in London, to prosecute the same.

Voted, that Joseph Galloway Esq, and Mr. Pelatiah Webster of the City of Philadelphia, be, each of them Entitled to one whole share or right in the Susq^{a} Comp^{ys} purchase, in testimony of the grateful sense this Comp^{y} have for their kind services for said Comp^{y}.

Voted, to adjourn this meeting to the 6th day of January next, at this place. Teste S. Gray, clerk.

Jany 6, 1768. At a meeting of the Susq^{a} Comp^{y}, held by adjournment Jan^{y} 6th 1768, in Windham.

John Smith Esq, Moderator. S. Gray, Clerk.

Voted, to raise one dollar and a half on each right in Susq^{a} purchase to be improved in prosecuting the cause in England to be paid by the 1st Wednesday in April next.

Voted that Elizer Talcott Esq of Glastonbury
Dan[l] Lyman Esq of New Haven,
Josiah Lyndall of Newport
John Jenkins of Colchester,
Job Randall of Scituate,
Cap. Jon[a] Pettibone of Symmsbury,
Benj. Giles of Groton,
Benj. Kinyon of Dutchess Co.,
Benj. Yale of Farmington,
Increase Mosely of Woodbury,
Benj. Steavens of Canaan
Joseph Eaton of Plainfield
Ezra Dean of East Greenwich
Rob. Dixon of Voluntown
Capt. Jas. Bird of Salisbury
Isaac Tracy of Norwich
Rich. Goldsmith of Bethlehem
Wm. Buck of Armenia precinct
Elihu Marsh of New Fairfield

be a committee to receive of the proprietors, the aforesaid one and a half dollars, and give receipts therefor, and the monies so collected, be deposited in the hands of Sam[l] Gray for the use of said Comp[y] and if any proprietor or proprietors shall neglect and refuse to pay the aforesaid one and a half dollars, such proprietor or proprietors, must Expect to fail of their rights.

Whereas, this Comp[y] being fully informed, that John Gardiner Esq, of London, our late agent, has left London for some time past, and not like to return, and that there is now no person in England to prosecute our petition before his Majesty, and the Several Boards to which it stands referred; it is therefore voted, that the Hon. Eliphalet Dyer Esq, of Windham, be, and is hereby appointed agent for the Comp[y]; with Convenient speed to repair to England, in the name and behalf of this Comp[y] to appear before the King's most Excellent Majesty, and the several Boards in which the Cause of this Comp[y] may be referred; and to be heard, and also with such further power and authorities to be signed by the Committee of this Comp[y], in order to obtain his Majesty's confirmation of our said purchase, and formation, into a distinct Colony for the purpose of Civil Government.

Passed in the affirmative.

Voted, that there shall be one and one half dollars raised on each right in the Susq[a] purchase, to be Collected by Mr. Jeremiah Clements of Norwich, Attorney to Col. John H. Ledius for the use of said Ledius, towards the balance of said

Leddius' accounts against this Compᵃ, their agents or Committee, as also a gratuity for his services in making said purchase for sᵈ Compʸ.

Voted, to adjourn this meeting till the first Wednesday in April next. Testo Samˡ Gray, clerk.

At a meeting of the Susqᵃ Compᵃ held by adjournment in Windham April 6, 1768.

John Smith Esq, Moderator. Samˡ Gray, Clerk.

Met, and adjourned till April the 7ᵗʰ at 9 o'clock.

Opened according to adjournment, April 7, 1768.

Voted, that Samˡ Johnson Esq, now in England, be appointed an agent for this Compᵃ, in order to prosecute their petition before the King & Council, and before any other board before which the same may be, to a final Conclusion; on condition the said Johnson should remain in England, and the Genˡ Assembly consent to his undertaking said Affair, and that Maj. Elderkin be appointed to make application to the Gen. Assembly for that purpose, and if the said Gen. Assembly should thus consent, that the standing Committee be directed to empower him, the said Johnson accordingly; on failure that the said Committee be directed to empower Eliphalet Dyer Esq heretofore appointed, and forward him as soon as possible to Great Britain for that purpose, and that the Committee already appointed to collect in the monies voted to be raised, be directed to proceed in collecting & paying in the same to S. Gray Esq, according to said vote—not to Exceed the 8ᵗʰ day of June next, and that if then the said Dyer should signify his refusal to undertake as agent for said Compᵃ, that an agent be forthwith appointed to proceed to Great Britain to prosecute said affair, and that the monies collected, shall be actually improved & applied for that purpose.

Voted, that the Committee appointed to Collect the taxes voted Jany 6ᵗʰ, also collect the tax of one half a dollar voted in favor of Col. Ledius, and also, that of two dollars, and one dollar, formerly granted, which has not already been paid, and the same return and pay according to the vote of this Compʸ; and that Jere. Clement of Norwich, Capt. Thomas Fish of Groton, Chas. Harris of Scituate Esq, Moses Warren of Lyme, David Ball of Hartford and Josiah Starr of Danbury, be added to the Committee for collecting said taxes.

Voted, that the remaining rights of £15 each, still unsold, and remaining in the hands of the Committee, to be sold, and the monies recᵈ and paid in at the next adjourned meeting, but not to be sold afterwards. This meeting is adjourned to the 8ᵗʰ day of June next, at this place.

Hartford 8th June, 1768.

John Smith Moderator, Sam[l] Gray, clerk.

Voted, that if any proprietor shall pay in the tax of 9 and 3 on a right formerly granted by the 3[d] Tuesday of Sept. next, there shall be no advantage taken of their delay, and that the Committee formerly appointed continue to collect the said taxes and that the standing Committee be directed upon any intelligence or advice of importance from England, or Elsewhere, relative to the affairs of this Comp[y], that they forthwith warn a meeting of this Comp[y] to consider the same.

This meeting is dissolved.

April 24, 1755 Rec[d] of Joseph Pease 9 dollars in full for 1 right in the Susq[a] purchase, and 4½ dollars of Mr. Eunice Ely, by the hands of said Pease, in full for ½ right per Phineas Lyman.

Recorded Dec. 28, 1768, per Eben Gray, Junr.

New Haven -Nov 3, 1762 Thomas Yale pd. £8 lawful money—Thos. Yale Assigns to Benj. Hungerford of Farmington.

Here follow some notes of transfer of rights, and there a Hiatus of 66 pages.

The consecutive minutes are made up from other sources.

At a meeting of the Susq[a] Comp[y] duly warned and Convened at Hartford on the 28th day of December 1768.

John Smith Esq, Moderator. Ebenezer Gray, clerk.

☞ Voted, that Mr. Joseph Jacobs of Philadelphia, be entitled to one whole share in the Susq[a] purchase, as a gratuity for his good services and attention to the interests of this Company.

Whereas at a meeting of the Susq[a] Comp[y], held at Hartford on the 18th day of May 1763, said Company were advised that his Majesty in his royal pleasure, had been pleased to inhibit all entries and settlements upon lands claimed by said Comp[y] purchased of the Six Nations of Indians, lying on the river Susquehanna, until the state of the case should be laid before his Majesty, and such precautions taken, as might obviate any fresh troubles with the Indians;

And Whereas, said Comp[y] at said meeting, in pursuance of his Majesty's order, did then vote that no person or persons belonging to said Company, shall enter upon, or make any settlement on those lands accordingly, and Whereas since that time the state of their Cause respecting those lands has been laid before his Majesty in Council, and in pursuance to his Majesty's orders such precautions have been taken in settling the line with the Indians, and in paying and satisfying them for all

lands lying east of said line, settled as aforesaid, as fully to obviate any fresh troubles with the Indians, on account of any claim or settlement of the English within the time aforesaid –

New measure to effect settlement. Whereupon, it is now voted by said company, to proceed and settle said land, lying on, and adjacent to said Susq[a] river, purchased from the Indians by said Comp[e], lying within the line settled with the Indians as aforesaid, at the late Congress at Fort Stanwix; as soon as conveniently may be, And that 40 persons, upwards of the age of 21 years proprietors in said purchase, and approved by the Committee hereafter nominated and appointed, proceed to enter upon, and take possession of said land, for, and in behalf of said Comp[y] by the 1[st] day of Feb. next and that 200 more of said Comp[y] of the age aforesaid and approved as aforesaid, proceed and join said 40, on the lands aforesaid as early in the spring as may be, for the purpose aforesaid, not later than the first day of May next; and that in order to encourage the said 40 persons to proceed take possession and settle the lands aforesaid for and in behalf of said Comp[y], that there be paid into the hands of a Committee appointed and hereafter named, to, and for the use of the said party, the sum of £200 to be laid out by said Committee in providing proper materials, sustenance & provision, for said 40 as the discretion of said Committee shall be thought proper and needful, and for the further encouragement of said forty, as also for the encouragement of the said 200, who may join them in the spring according to the foregong votes.

5 Townships of land to be laid out. It was further Considered and Voted, to lay out 5 townships of land within the purchase of said Comp[y], and within the line settled with the Indians aforesaid, of 5 miles square each, three on one side of the river, and two of them on the opposite side of the river, adjoining and opposite to each other, only the river parting; at such place and on said river as they may think proper, each of said Townships to be five miles on the river, and extend an equal width back five miles, to be, and belong to the said forty and the said two hundred persons, over and above the respective shares and proportion in the remainder of the general purchase, in manner following, namely That the first forty have their first choice of one of the said five townships, which they shall choose to be, and belong to the said forty, and the other four to be, and belong to the said two hundred, to be divided out to them by fifties in a township as they shall think proper. reserving and appropriating three whole rights or shares in each township, for the public use of a gospel ministry, and Schools in each of said towns, and also

3 lots reserved for public use

reserving for the use of said Compy and for their after disposal, all beds of mine ore, and coal, that may be within said Townships, the aforesaid townships to be held by the said forty, and the said two hundred, on consideration of their entering upon, and taking possession according to the above vote; and also of their continuing thereon, holding and improving the same by themselves, heirs, or assigns, under said Company, for the space of five years after their entry as aforesaid; and that they shall not so disorderly conduct and behave themselves, as shall by the Committee be judged inconsistent with the good and interest of said Compy, and that they hold not the same or any part of said purchase, under pretence of any other Claim but of said Company; and if the first number approved by said Committee shall fall short of forty, and if those approved to join them in the spring fall short of 200, nevertheless those that so proceed according to the above vote, to be entitled to their respective parts or shares in the said five townships in full, as though the whole number were complete—and in order that proper persons, and as such may appear to be most subservient to the benefit of said Company may be orderly introduced as settlers on said land.

Voted that a committee be appointed in each County in this Colony, as also some meet person or persons in the neighboring Colonies, to admit and approve such persons who may offer themselves for the first settlers, according to the foregoing votes; and that.

Col. Saml Talcott, Major Elizar Talcott } for the County of
Jonn Pettibone and Jonn Root Esqr } Hartford

Danl Lyman Esq, Mr. Michl Baldwin } for the County of the
and Capt. Macook Ward } New Haven

Saml Ely Esq, Mr. Gershom Reed } for the County of
And Capt. Obadiah Gore } New London

Mr Cornelius Hall, Mr Nathan Birdseye } for the County of
Mr. Benjamin Sealy } Fairfield

John Smith & S. Gray Esq, } for the County of
And Mr. John Jenkins } Windham

Increase Mosely, Saml Canfield Esq } for the County of
And Benj. Stevens } Litchfield

Mr. Wm. Buck and John Wadsworth, for the Province of N. York

Timothy Woodbridge Esq for the province of Massachusetts Bay

Isaac Tripp, Job Randall Esq } for the Colony of
and Mr. Ezra Dean } Rhode Island

be, and they are hereby appointed a Committee, jointly, and severally to approve and admit the aforesaid 200 persons pro-

posed as first settlers on said land, in such manner and proportion as they shall agree, so as not to exceed the number proposed And that, Isaac Tripp Esq. Mr. Benjamin Follet, Mr. John Jenkins Mr. William Buck and Mr. Benjamin Shoemaker, be and they are hereby appointed a Committee, to approve, admit, oversee, superintend, Manage, and order the affairs and proceedings of the first forty settlers; to receive and order the monies granted to their use, to lay out and prepare a convenient road to said Susq[a] river; for which purpose they are to receive £50 to be laid out in preparing a road as aforesaid for the benefit of said Comp[y], and to account with the standing committee of said Comp[y] therefore, and upon any or either of the said last mentioned committee failing to attend said trust to which they are appointed, the place, or places of such to be supplied by such other person, or persons, as shall be chosen by the major part of the said forty first settlers; and upon the arrival of the two hundred, on purpose to join the said forty in the spring, they may if they see Cause, together with the said forty, by the Major vote add to the said Committee, so as to make the whole to the number of nine, who shall then be a Committee to preserve order and regulate the affairs of said settlers, & others of said Comp[y], who may join them, until further or otherwise ordered by said Comp[y]; which said Committee by a Major voto of the settlers there present, duly Convened, may expel from them any person or persons among them who shall so disorderly Conduct and behave, as shall by them be judged inconsistent with the good and interest of said Comp[y], and may declare the right of such persons forfeit, which shall so remain, unless the said Comp[y] at any time after meeting, upon hearing the Cause of Complaint shall otherwise determine.

Committee of Management and direction.

Voted, that some proper, well disposed person or persons, be procured by those persons who shall undertake to settle on the Susq[a] lands according to the above vote, in order to be as a head, or teacher, to Carry on religious instruction & Worship among the settlers, viz—of such denomination as any particular number may be agreed upon, and to be at the Expense of such denomination, as such person so procured shall be, until some further arrangement can be made.

To provide a minister.

Voted, that if any Settler, or settlers, on the aforesaid lands, in pursuance of the vote of this Comp[y], shall be sued or prosecuted in the law by the Proprietors of Penn[a], or any under them, on account of such his settlement and possessions, that on proper notice being given to the standing Committee of said Comp[y], that this Comp[y] will be at the cost of his or their defence in said suit.

Whereas, at former meetings this Compy have appointed sundry persons to make sale of sundry rights, who have not made return of their doings therein, they are therefore to direct and require the standing Committee appointed to order the prudential affairs of this Compy, and they are hereby empowered to require and demand an account of all such persons, of what they have done therein, and to cause any sum, or sums of money now outstanding, and due to the Compy, to be collected and paid into the Treas. of sd Compy.

Whereas, there are sundry persons who originally proposed to be of this Compy, who never paid to the use of the Compy, and whereas this Compy have been at Considerable expense in supporting and bringing forward the affairs and business of this Compy, It is therefore voted and agreed, that all such persons as aforesaid, their heirs &c., shall be, and they are hereby excluded from having any right or share or interest in the Susqa purchase, so called, Except they shall pay, or Cause to be paid into the Treasury of this Compy, or to the standing Committee for the use of the Compy, the sum of £6 lawful money, by the 12th day of April next Coming, together with all such further additions, grants, taxes, as may be made or ordered by said Compy and the said Committee are directed to acquaint all such persons with the above regulation.

Voted, that Col. Eliphalet Dyer, Col. Saml Talcott, Elisha Sheldon Esq., Capt. Jona Pettibone and Mr. Benj. Paine, be a Committee to apply to the General Assembly of this Colony in January next, in behalf of this Compy, for the obtaining of such further favor of said assembly, as they shall think proper, by investing said Compy with the Colony's right to such lands as they have purchased of the Indians, lying on the river Susqa or otherwise, not inconsistent with the interest of sd Colony.

Whereas, James Blakesley of Waterbury, has represented to this meeting, that he has paid five dollars to Thomas Seymour Esq deceased for his admission into this Compy, and that his name is not Enrolled, and that he Cannot now prove by receipt or otherwise, his right in said purchase; it is therefore voted to admit the said Blakesley into this Compy for a whole right, on condition that he shall now pay for the use of the Compy, two dollars, being all the arrearages due to this time

Grant to Doc. Wheelock's Indian School

Voted, to grant to Doc. Eleazer Wheelock, a tract of land in the easterly part of the Susqa purchase, ten miles long, and six miles wide, for the use of the Indian School under his care Provided, he shall set up, and keep said school on the premises.

This meeting adjourned to the 12th day of April next, to meet at Hartford.

Teste Ebenezer Gray, Junr.

Stratford, Feb. 23, 1754. Then received of Mr. James Beard, Junr., of said Stratford, five Spanish mill dollars, to be delivered to the Committee appointed by the Comp^{y} engaged in purchasing the Susq^{a} land, and to be on account of one whole right. I say receiv'd per me. Sam^{l} Adams.

Truly recorded, per Sam^{l} Gray, clerk.

Canaan, June 2^{d}, 1755. Rec^{d} of Rev. Mr. Ebenezer White, of Danbury, by the hands of Capt. Josiah Starr, 9 dollars, to entitle him to a whole share or right with the rest of the purchasers of a tract of land obtained lately by a deed of the natives upon Susq^{a} River, if the Committee admit.

John Smith,
Josiah Starr,
Uriah Steavens,
Stephen Gardiner.

Canaan, June 2, 1755. Rec^{d} of Mr. Thos. Taylor, of Danbury, by the hands of Capt. Josiah Starr, 9 dolls. to entitle him to a whole share or right, &c.

Certificate May 10, 1779. Signed as above.

Same date, Rec^{d} of Matthew Benedict, of Danbury, the same as above. Same date, Rec^{d} of Mr. Dan^{l} Starr, of Danbury, the same as above.

The within four receipts are allowed and approved of, by Eliphalet Dyer. S. Gray, Jed. Elderkin in Committee.

The above is a true record of four receipts, and the endorsement thereon. Teste S. Gray, clerk.

Proprietors admitted by Ephraim Bower, Esq., of Providence:

Philip Peckham, of Newport, 1 right.
John Green, per Richard Warwick, ½ "
Wm. Vernon, of Newport, ½ "

Rights voted by Ebenezer Backus of Windham:

One half right to Charles Stewart,
" " " John Perkins,
One right to Ezra Loomis, } both of Boston.
" " " Wm. Dick, }

Hartford, April 16, 1769. At a meeting of the Susq^{a} Comp^{y}, held at Hartford, by adjournment, April 12, 1769.

John Smith, Esq., Moderator. Sam^{l} Gray, Clerk.

Voted, that the Committee appointed at the last meeting to admit the 40 persons first to go on and settle the land purchased by this Comp^{y} on Susq^{a} river, as also the 200 proposed to settle in the Spring, with the gentlemen of this meeting

added to the said Committee, be and they are hereby appointed to admit and receive as a further number of settlers to the amount of 300 good, able men to proceed and settle the aforesaid lands by the 10th of May next, which said 300 as their encouragement, shall have to themselves, or in proporton if the number shall fall short of 300, three townships on the West Branch of the Susq[a] river in the place they shall choose, of the contents of five miles square, being contiguous or opposite to each other on each side of the river, the same to be held by them or in proportion as aforesaid, with the same reserves, and on the same Conditions and regulations as voted at the last meeting for the said 40, and the said 200; and that the whole number of 540 be filled up of the proprietors, or as of such as shall come in under a proprietor, and in order to be admitted, to produce a certificate from such proprietor on whose right he offers himself a settler, and that 50 barrels of Pork be procured by Sam[l] Gray, Esq., and Mr. Gershom Breed for the use of the Settlers.

300 men to be sent on.

Voted, that there be raised two dollars on a right, to be paid forthwith into the hands of the Committee appointed to receive the same, and by the Committee, into the hands of George Wyllys or Sam[l] Gray, Esq., for the use, and to defray the charges of said Comp[y], and that for the same purpose there be sold 100 rights at £12 per right, 30 of which by the committee of settlers, 20 by Mr. Ebenezer Backus, all to be sold in the back parts, on New York, Jerseys, or Pennsylvania; six by Ephraim Bowen, Esq., of Providence, and the remainder with those before unsold by the committee appointed for that purpose, and by the standing committee of said Comp[y], to be by them paid into the Treasurer or Clerk of said Comp[y], and that said Ebenezer Backus have the disposal of one right, as a recompense for his services and expenses in selling those committed to his care in the upper part of Pennsylvania.

Voted, that the 540 above proposed to settle and take possession of the Comp[y]s land on Susq[a] River, and all others who may join them, be under the direction and order of the Committee of settlers, and that they, the Committee, form the whole number present on said land, into one body, joined together in one Common interest, and settled as Compact together as may be, properly fortified, without any regard to any particular township or townships which may be afterward laid out and divided according to the votes of the Comp[y], for encouragement of the first year's settlers; and also to divide and part out the men into parties, proper for the various business, husbandry, tillage, labor, fortifying, Scouting, hunting, providing, and

other parts necessary and Convenient for the whole, and to unite in peace & good will.

Minister to be provided.

In addition to the the vote passed at the last meeting, now voted, that a chaplain or minister as a teacher, and head in religious matters, and to carry on religious worship, be provided by the standing Committee, to go forward with our settlers as soon as may be, and that an encouragement that such minister proceeding and Carrying on religious worship or services according to his ability, in a wilderness Country, be entitled to one whole right or share in said purchase, and such other privilege and encouragement as those whom he goes to serve are entitled; and it is further recommended to the settlers whom he goes to serve, to provide him sustenance with themselves according to their ability.

Voted, that the thanks of this Comp^{y} be by the Committee returned to Mr. William Ledley, for his kind services to our friends the first forty, while at Easton under arrest, and as a testimony of their grateful sense of his humanity and kindness aforesaid, that he be entitled to one whole right or share with us in the Susq^{a} purchase.

Voted, that Eliphalet Dyer, Sam^{l} Talcott, and Jedediah Elderkin, Esq., or either two of them, be appointed (by the beginning of June next) to set out and proceed to Philadelphia, with proper attendants, and from there to the Court at Easton, in order to arrange and transact the affairs relative to our purchase; engage Counsel, agents, or attorneys, for us, and properly empower them to act for us in the province of Penn^{a}, to defend our Cause and in the prosecution Commenced against Sundry of our first forty, who proceeded to settle our lands last winter, and advise and Counsel the best with respect to our future operations in prosecuting our Cause.

Voted, that all our proprietors named in our deed, or roll, as all others Concerned, pay in their several and respective Sums due and unpaid, that has been or now is raised by vote of this Company on their several rights, that any person or persons who shall neglect or refuse to pay the same by the 1st of June next, if nothing paid their whole right to be forfeited to the Comp^{y}, and if only part paid so much of their right to be forfeited as remains unpaid; and the Standing Committee are empowered after that time to dispose of the same to others, who shall pay the Same, or So much as to raise the sums in which such neglecting proprietors are deficient; unless such reasons shall be offered to said Committee, as they shall judge they ought to be saved or Excused from Such forfeiture.

Voted, that Col. Talcott be one of the standing Committee, in the room of John Smith, Esq., released.

Voted, that Major Durkee, John Smith, Esq., Mr. Gore, Vine Elderkin, Mr. Ebenezer Backus, Capt. McNeal, Mr. Ezra Dean, Mr. Nicholas Depui, Mr. Stephen Gardner, Mr. Thomas Dyer, Mr. Michael Baldwin, Mr. Daniel Sherrard the 3d, Mr. Moses Kenney, Mr. Noah Phelps, be added to the Committee of the former Committee of Settlers, &c. ; and that the Settlers when they arrive on the land, have power to choose and elect such other gentlemen as they think proper from among themselves, as a further addition to said Committee.

Voted, that the Standing Committee, together with Elizur Talcott, Dan[l] Lyman, Benj. Steavens, Josiah Lyndoll, Joseph Eaton, Beriah Brown, Ephraim Bowen, Jos. Randall, Robert Dixon, Jonathan Pettibone, James Bird, Isaac Tracy, Benj. Kurman, Rich[d] Goldsmith, Timothy Woodbridge, Increase Mosely, Elihu Marsh, Jonathan Root, Isaac Tripp, Ebenezer Leach, and Mr. Gershom Breed, be a Committee to receive the tax of two dollars now voted, and any taxes that yet remain unpaid, and to pay the same to George Wyllys, Esq., or Sam[l] Gray for the use of this Company.

Adjourned without day.

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Windham, July 26, 1769. At a meeting of the Susq[a] Comp[y], warned and held at Windham, July 26, 1769.

Eliphalet Dyer, Esq., Moderator. Sam[l] Gray, clerk.

Question proposed, whether they would recall the people now on the Susq[a] lands, under the votes of the Comp[y].

Passed in the negative.

Voted, that any person or persons, who are deficient in paying any sum due on their rights, or that have not paid in the Tax or Taxes that have been raised upon their respective rights, and that shall not pay in the same to the respective Committees for that purpose appointed, by the first Wednesday in Sep. next, that so much of their respective rights shall then be sold at vendue, to the highest bidder, as shall raise the sum or sums in which they are deficient.

Voted, that the Committee give public notice to the proprietors, to pay in the remaining Taxes, or that on failure, their rights will be exposed to sale. Voted, that Col. Sam[l] Talcott, be desired to repair with our people to Easton, to attend, and advise in their Cause, and if he should refuse, to appoint Some other person they think proper

Voted, to adjourn to the first Wednesday in September, at Windham.

Two ½ rights sold by Col. Eliph[a] Dyer, to wit:

Capt. Guy Richards, ½ right, Guy Richards, Junr., ½ right.
Account of rights sold by S. Gray:
Chas. Walsworth, ½ right, Jos. Hurlburt, Junr., ½ right.
Tim^{y} Green of New London, ½ " Capt. Jos. Hurlburt, ½ "
David Manwaring, ½ "
John Spencer, Alias Jn^{o} Gilbert Spencer of Bolton, 1 share.
Ebenezer Baldwin, ½ right.
Noah Chapman of Colchester ½ right Sold by Gershom Breed.
Doc. Thomas Williams, ½ "
April 1, 1773, Sundry rights sold by S. Gray:
Holland Weeks, 1 whole right, John Adams, Jun., ½ right.
Capt. Aaron Cleveland, ½ " Wm. Darbe, ½ "
Wm. Forster, ½ " Ebenezer Lathrop, ½ "
Timothy Green, ½ " Zach^{a} Lathrop, ½ "
April 23, 1773.
William Judd, ½ right, Abr^{m} Sedgwick, ½ right,
Thomas Converse, ½ "
May 20, 1773.
Janna Denning, 1 whole right, Chas. Churchill, 1 right,
Darius Spafford, ½ share, Ebenezer Gray, ½ share,
Thos. Gray, ½ "

At a meeting of the Susq^{a} Comp^{y} held at Windham by adjournment on the first Wednesday of September, 1769.

Voted, that Col. Sam^{l} Talcott be agent for the Comp^{y} to assist in the suit at Easton. Voted nem. Con.

Voted, that if it should happen that Col. Talcott Cannot, or should not go to Easton, according to appointment, that the Comp^{y} refer the matter to the General Committee, to appoint such other person in his room for said purpose, as they shall judge best.

Voted, that the present Susq^{a} Committee appointed to collect in the monies due to the Susq^{a} Comp^{y}, together with Sam^{l} Ely of Lyne, Capt. Joseph Hurlburt of New London, Mr. Seth Smith of Stonington, Mr. Garrett Rappelle of New York, Wm. Camp, of East Jersey, be a committee to receive all Taxes which remain unpaid or take proper security or interest therefor for the use of the Susq^{a} Company.

Whoever shall neglect either to pay the Taxes due from him, or to secure the same as aforesaid on or before the 30th day of October next, such proprietor having due notice to pay or secure such tax or taxes as aforesaid, such delinquent proprietor shall forfeit to said Comp^{y}, such proprietors rights in the Susquehanna's Company's purchase, and the same shall revert to

the use of said Compʸ, unless such delinquent proprietor shall be able to satisfy said Compʸ, that there was sufficient reason for such neglect, and pay the same.

Voted, that persons that are bound over to answer at the Court at Easton this month, shall receive three dollars to bear their expenses on their way there.

That ten pounds L. M., be paid out of the Susqª Treasury to Major John Durkee, John Smith, Esq., and Stephen Gardner, Committee at Susquehanna, for the purpose of defraying the necessary Extraordinary Expenses of the Committee, to be used at their discretion.

Voted, that £18 L. M. be paid out of the Susqª Money, by Samˡ Gray, Esq., to Mr. Isaac Tripp, Benj. Follett and John Jenkins, as a committee, to be equally divided and paid to the several persons now bound over to the Court at Easton, and that shall set off on their journey to said Court, to be paid to each one in equal proportion to the distance of the way each one lives from said Court, for the purpose of defraying their charges in said journey; and that Samˡ Gray, Esq., also pay into the hands of said Committee forty shillings more, for each of said persons bound over to said Court as aforesaid, and that shall appear there to be improved by said Committee, for making necessary provisions for their support at Easton; said Committee to be Consider'd as three of the persons for whom said monies are granted, and said Committee are to repay to the General Committee, whatever of said sum of £40 there shall not be appropriated, according to this vote.

Voted, that Col. Dyer, Major Elizur Talcott, Humphrey Avery and Isaac Tripp, Esq , be a commmittee to apply to Col. Samˡ Talcott, Esq., in the name and behalf of the Susqª Compʸ, to request said Col. Talcott to go to Easton as agent for said Compʸ, to assist the several Susqª proprietors now bound over to the Court to be held at Easton this month, and take care of said Cause, and that the general Committee give order for such sums of money to be paid out of the Susqª money into the hands of the said Col. Talcott, as they shall judge necessary for said purpose, for his Expenses in said Cause, and journey, and shall be agreeable and handsome reward for his said service.

Adjourned to the 8th of November next at Hartford.

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At a meeting of the Susqª Compʸ held by adjournment at Hartford, Nov. 8, 1769.

Major Elizur Talcott, Moderator. Samˡ Gray, clerk.

Voted, that the settlement of the lands belonging to this

Comp^{y} at Wyoming on Susq^{a} River, be pursued according to the vote of this Comp^{y} at their meeting at Hartford, Dec. 28, 1766, and that the Committee use their utmost endeavour to make up in Cash, an equivalent for the 50 barrels of pork granted by this Comp^{y}, for the use of said Settlement, with what they have already sent for the use of the 240 settlers mentioned in said vote, and that a further sum of £75 L. M. be forwarded and paid to the Committee appointed to oversee and direct in the settlement, for the use of the 240 that shall remain on said land, and that the Committee use their influence with Major Durkee, to continue at Wyoming with our settlers this winter.

Whereas it appears that few of the proprietors of the Susq^{a} purchase are present, or have had notice of this meeting, and matters of importance are now under Consideration relative to said purchase and settlement; It is now Voted, to adjourn this meeting to the 6th day of Dec. next at Windham, and the clerk is hereby drected to publish a copy of this vote and adjournment of this meeting as above, in this, and the three adjoining Provinces, and the proprietors are desired to give their attendance without fail, as matters most interesting to the Comp^{y} are then to come under Consideration.

Adjourned to the 6th of Dec. 1769, at Windham.

At a meeting of the Susq^{a} Comp^{y} held at Windham by adjournment, Dec. 6, 1769.

Eliphalet Dyer, Esq., Moderator. Sam^{l} Gray, Clerk.

Voted, that Sam^{l} Gray, Esq., and Major John Durkee, be appointed to take proper Evidences or affidavits of the proceedings of the Court at Easton at the last trial; also of the attack and robbery of our people near Fort Augusta, and of the insults and attacks of our settlers at Wyoming, and their conduct during the Summer past, and the treaty and declaration of the Indians, and any other matters proper.

Evidences to be taken against the Pennamites.

Voted, that monies be collected and delivered to Major Durkee, in order to pay, defend and defray the Expenses at Easton, so far as the Committee shall think necessary, and they are enabled to furnish, and for him to render an account thereof.

Voted, that those who delay payment of their taxes in arrears, until the adjourned meeting, whose rights we declared forfeited by a former vote to the Comp^{y}, shall be immediately sold by a Committee to the best advantage of the Comp^{y}, if not paid or secured by that time, of which notice is to be given.

Voted, that the debts due the Compy be immediately collected, without delay.

Voted, that Saml Gray, Esq., be a Committee with the advice of one, or more of the Standing Committee, as he shall find necessary, to settle and adjust accounts with those who have collected or received money of the Company's for special Services, &c. ; and return the general state of affairs and of all past grants, disbursements, &c., to the meeting of the Compy ; and as there will necessarily be a demand of more money than is now Collected to pay off the debts now due at Easton, and further defend those held over for trial, it is recommended to all the proprietors present, now to advance what they Conveniently Can for the purpose aforesaid, to be repaid as soon as the same can be collected of the debts due the Company.

Adjourned to the 10th of Jany next at Windham.

At a meeting of the Susqa Compy, held by adjournment, at Windham, Jany 10, 1770.

Major Elizur Talcott, Moderator. Saml Gray, clerk.

Voted, that Mr. Gershom Breed and Capt. Ebenezer Baldwin, both of Norwich, be added to the present standing Committee.

Voted, that the Standing Committee be directed to proceed in what they esteem best for the interests of the Compy, to keep and maintain possession of our purchase on Susqa River.

Voted, that Capt. Z. Butler and Capt. Robt. Durkee be added to the Committee of Settlers, to take Care of the Company's interests and effects at Susqa, and that they receive their advice and instructions from the standing Committee.

Voted, that there is present occasion for money to be advanced for the service of the Compy. That if any person shall be so kind as to advance or lend any such sum, or sums, to the standng Committee, that said Committee to repay the Same out of the securities they have in their hands, to be Collected as soon as may be, or of any other of the Company's money.

Whereas there are many proprietors that have not yet paid the taxes due on their right, which rights according to the votes of this Compy, are already reverted to the Compy ; but as this Compy have no desire to deprive said proprietors of said rights ; it is now Voted, that such delinquent proprietors shall have until the first day of March next, to pay said Taxes, and such proprietors as shall not pay and settle such Taxes by said first day of March, his right shall revert to said Company, and the

Clerk of this meeting is directed to publish the substance of the above Vote in the public papers.

Adjourned without day.

At a meeting of the Susq[a] Comp[y] legally warned and held at Hartford, June 6, 1770.

Major Elizur Talcott, Moderator. Sam[l] Gray, Clerk.

Voted, that Ozias Yates, and Benj. Yale's right, and John Jolly on Job Yale's right, settlers on the lands on Susquehanna river, be of the number of the first 40 Settlers, and entitled to their rights in the Townships that shall be laid out of the said forty, and that Dow Tripp be excluded from the number of the said forty, and any right, in the township which shall be laid out for them, the said Yale and Jolly for the future, to do and perform their duty as settlers on said lands, according to the votes of said Company.

Voted, that the five Townships of land granted by this Comp[y], for the encouragement of the first 240 settlers, shall be laid out according to Mr. David Mead's survey made last fall; and as our Paxtang friends that have come on to settle with us, have agreed to take the Township called Nanticoke township, we now grant the same to them according to the number of them that have Complied with the proposal made to them by the standing Committee, the remainder of said Town to be filled up out of the 200 Settled under the same regulations, and with the same reserves made in the other townships, granted to the Settlers in fulfilment of the engagements of the Committee of this Comp[y] with our said Paxtang friends, in their letter to them by Capt. Butler and Mr. Ebenezer Backus, and that a township six miles square be laid out at a place called Lackawanna, on the south of said Nanticoke township, adjoining thereto, in lieu of said Nanticoke, for the fifty settlers which the said Nanticoke township would have belonged to, upon the same Conditions, and with the same reverses, made and received in the other township granted to the settlers; and if neither of the said places shall suit to lay out the last mentioned Township, that then the same shall be laid out by the direction of Major Durkee and Capt. Butler, so as to do justice to said settlers and the Company.

Nanticoke granted to the Paxtang men.

Voted that there be at present but one trading house set up in our purchase on Susq[a] River for trading with and accommodating the Indians with such necessaries as they from time to time shall want, and that

Trading house established.

those persons that shall trade and deal with the Indians, shall be under the direction and control of Major Durkee, Capt. Butler and Doc. Timothy Hopkins, who are hereby authorized to take care of, and oversee the trade and deal with the Indians, and see that justice is at all times done to them.

Minister to be procured.

Voted, that the Standing Committee as soon as they can with convenience procure some able and orthodox minister of the Gospel, to repair at our settlement at Wyoming, and remain with them for one year in the discharge of his ministerial office among them; and that said Committee shall draw their order on Capt. Butler, for such part, or the whole money in his hands, as they shall judge necessary for the support of said minister.

Whereas, it is probable that many proprietors not included in the 240 first settlers have, and will repair to join our settlement on our purchase on Susq[a] river in order to settle themselves and families on said lands, in part of their general rights in part of said purchase, it is now Voted, that the committee that shall hereafter be appointed to oversee and direct the whole settlement on said land, shall, and they are hereby authorized and Empowered, at the cost of those that apply for the same to lay out townships five miles square for such proprietors within said purchase as such proprietor shall apply for the same in part of their general rights in Said purchase, each of which townships to be divided into fifty Equal parts or shares for quantity and quality, three of which rights or shares to be reserved for the public benefit of said township in the same maner and for the same purpose as the reserved rights in the townships heretofore granted to the first 240 settlers.

New townships to be laid out.

Voted, that Capt. Z. Butler, Isaac Tripp, Benj. Follett, John Jenkins, William Buck, Benj. Shoemaker, John Simpson, Timothy Hopkins, David Marvin, Thomas Dyer, Ebenezer Gray, Junr., Mr. Obediah Gore, Robert Young and Nath[l] Wales 3[d], be, and are hereby appointed a committee, to assist Major Durkee in ordering and directing in all the affairs relating to the well government of said Settlers, and in directing the settling of Said lands till otherwise ordered by the Comp[y]; reserving only that in Case any person shall be agrieved by the determination of said Committee, they shall have liberty to lay the same before this Company for their determination thereon, otherwise, that if Said Comp[y] Cannot be Conveniently Convened, before the standing Committee of said Company.

Adjourned without day.

At a meeting of the Susq^{a} Comp^{y} lawfully warned and held at Windham, Oct. 17, 1770.

Elizur Talcott, Esq., Moderator. Sam^{l} Gray, clerk.

Voted, that Elizur Talcot, Esq., Ineremi: Mosely, Esq., Edward Mott and Sam^{l} Gray, Esq., be a Committee to repair to New Haven, and join our agent and Committee there to represent to the Honorable the General Assembly of this Colony, now Setting in New Haven, to represent to said assembly the present distressed Case of our settlers on the Susq^{a} purchase, and pray the interpostion of said assembly, and that the matter respecting the claim of this Colony to the extent of our Charter, may be now determined by said Assembly; and that said assembly would invest our settlers, now on said purchase, with powers of Government according to the original institution of this Colony, and their predecessors, and that his Honor the Governor of this Colony, be desired to write to his Honor Governor Penn, to release our settlers that are imprisoned at Easton, from their imprisonment.

Voted, to adjourn to the last Wednesday in November next, at Hartford at 10 of the clock.

At a meeting of the Susquehanna Company held at Hartford by adjournment.

Wednesday, November 27, 1770.

Voted, that the Committee of this Comp^{y} do, as soon as may be, send £50 L. M. to Philadelphia & Easton, for Major Durkee, and the rest of the New England prisoners in gaol, to maintain and support them according to the orders and directions of said Committee.

Minister. Voted, that the Rev. Mr. Geo. Beckwith, Jun., of Lyme, be entitled to one whole share in the Susq^{a} purchase, in part for his services in the Ministry at Wyoming, for the benefit of the settlers there.

Voted, that all the settlers at Wyoming, that do again take possession of the land at Wyoming aforesaid by the 15th of May next, and continue thereon, holding under this Company according to the former votes respecting said settlement, shall still have their settling rights, notwithstanding all that has passed.

Voted, that the 300 settlers on the West Branch, that do by the said 15th of May next take possession of the Susq^{a} land, and hold according to the vote relating thereto, shall be entitled according to the former votes respecting the settlement there; Voted, that any proprietor, or man under a proprie-

tor, that with the aforesaid settlers do again take possession of the Susq[a] lands, shall be entitled to the vacant settling rights if any there be, until all the vacant rights are taken up, the proprietors first taking possession shall have the first vacant Settling right, one vacant right to one person So taking possession, and no more.

Voted, that Nath[l] Wales, Jun., Esq., with the assistance of the Committee, be desired to draw up an Historical account of the Colony's title to those lands west of New York, and this Company's title under this Colony, to the Susq[a] lands; as also the rise and history of this Comp[y], and transaction of the authority and Courts of Penn[a], with our settlers on the lands on Susq[a] river, and proper observations to make thereon.

Voted, that the Committee be desired to use every prudent and proper method, that there be a full and universal meeting of the proprietors at the next adjournment, by advertising in the newspapers and otherwise, as they think proper.

Voted, that all the persons that have been entrusted with the Company's money, or have been Collectors, or are in debt to the Comp[y], be immediately called to render an account of their doings, and pay the same, and that the Committee be desired to inform such persons of this vote.

Voted, to adjourn to Windham on the 2[d] Wednesday in Jan[y], 1771.

Ebenezer Gray, Junr., Clerk.

At a meeting of the Susq[a] Comp[y] held at Windham by adjournment January 9, 1771.

Major Elizur Talcot, Moderator. Sam[l] Gray, clerk.

Whereas at the time of the Susq[a] Comp[y] meeting held at Hartford in November last, our settlers at Wyoming were drove out of their possessions there by the Pennsylvanians, and for the encouragement of those settlers to exert themselves to regain the said possessions, it was then voted, that if said settlers should regain their possessions by the 15[th] of May next, such settlers should be entitled to all those rights and privileges in the same manner as by the former votes they had a right to have and hold, and also that such others as should go in aid of said settlers and take possession with them, should be entitled to the vacant rights there, as by said votes may appear.

And, Whereas, Since Said meeting some of our people have dispossessed the Pennamites, and taken possession of our Fort, &c, and are holding the same, but stand in need of immediate aid to assist them in keeping possession, for

which reason Said votes are judged as to the time prefixed, to be inconsistent with the good and safety of said Company;

It is therefore now voted to reconsider, and the same is reconsidered accordingly, and it is now Voted, that the 240 settlers, except those that are bound over to some Court in Penn[a] Province, shall forthwith repair to Susq[a], and join with, and assist those now in possession, in holding the same, and that in their so doing, such of them as shall go as aforesaid, shall be entitled to all their rights and privileges there, in the same manner as though they had never been driven out; and in Case that any of the said 240 settlers shall neglect to go as aforesaid, for the purpose aforesaid, that then such person or persons so neglecting, shall forfeit his or their settlers rights, unless those who so neglect, shall offer such reasons for such neglect, as said Comp[y] shall judge sufficient to Excuse such neglect.

Voted, that Col. Dyer, Nath[l] Wales, Junr., Sam[l] Gray and Major Elderkin, be a committee in the name and behalf of the Susq[a] Comp[y], with all Convenient speed, to draw up a statement of our Claims to the Susq[a] lands, and proceedings thereon touching the settlement thereof, with the reasons of our taking and holding possession thereof, so far as they shall judge best, as also of the inhuman treatment our people have met with from some of the inhabitants of Pennsylvania, and the dangerous Consequences of living in such a state of hostility; and manifest the desire of the Comp[y] to settle said Controversy in some legal and Constitutional way, and lay the Same before the Governor of that Province, and request him to direct that some proper action may be commenced to bring the title of said land to a legal and proper issue, and that said Committee send such representation to Governor Penn by some proper person, whom they shall appoint, and direct him to wait upon the Governor for his answer; and in case the Governor shall refuse to Comply with such proposals so made, the said representations be ordered to be inserted in the public prints in that Province with such Comments thereon as they shall judge best, and all at the Expense of said Comp[y].

Compact to be signed.

Voted, that Col. Dyer, Nath[l] Wales, Junr., Sam[l] Gray and Major Elderkin, be a committee to draw up a scheme in writing, agreeably to the minds of the settlers on those lands, to be signed by all who now are, or shall go on and settle on the Susq[a] lands, so as to legally bind and oblige all who sign the same, faithfully to perform each one his trust and undertaking, according to the true intent and meaning of such scheme, and that none but such as voluntarily sign such agreement shall be admtted to hold any right or

privilege there as a settler, until further orders of said Company.

Voted, that Capt. Zebulon Butler, Capt. Lazarus Stewart, Major John Durkee and John Smith, Esq., be, and they are hereby appointed a committee to repair to our settlement at Wyoming with our Settlers, and they, or the major part of them, to order and direct in all affairs relating to the well ordering and governing said Settlers and Settlements; and that the proprietors of each of the five townships laid out at Wyoming, shall have full liberty to choose one person for each town, to be a Committe Man to join the above Gentlemen, the whole to be but one entire Committee for the purpose aforesaid.

Hanover granted to the Stewarts & Co.

Voted, that this Comp^{y}, taking into consideration the special services done this Comp^{y} by Captain Lazarus Stewart, Willliam Stewart and others, their associates, in taking and regaining possession for us on our purchase on Susq^{a} river, that they and their associates shall have and be entitled to all the Comp^{ys} rights to the townships they have chosen. Called Hannover, unless they may be willing to admit some few others, whom they Esteem the most deserving, to come in for a share with them, provided they keep and hold possession according to the former votes of said Company.

Voted, that Nathaniel Wales 3^{d}, be and remain a proprietor in the first township granted to the first forty settlers.

Whereas, the township of Lackawanna is found not to be so good and valuable as was expected, it is now voted, that said township shall be, and the same is hereby granted to the thirty five proprietors that are already put into said town, reserving three rights in said Town, according to the votes respecting the other Towns; provided they shall hold possession according to the votes of said Company.

This meeting is adjourned to meet at Hartford, May 15, 1771.

S. Gray, Clerk.

Part of the 200 to go in the spring of 1769.

Moses Hibbard,	Silvester Backus,
Ebenezer Gray, Junr.,	James Fitch,
Nath^{l} Wales 3^{d},	Zebulon Hibbard,
☞Thomas Brown,	John Howard, Junr.

HARTFORD, *January the* 30, 1755.

Rec^{d} of Capt. Johnathan Hills of Hartford, nine Spanish milled dollars, for the purchase of one right at Susq^{a}, voted to be purchased at a meeting the 20th of Novem^{r} last. I say rec^{d} per David Edwards one of the Committee:

Entered 28th of Decem^{r}, 1768, per E. Gray.

Capt. Sam[l] Hitchcox pd. 4½ dolls. for ½ share as per receipt signed per Thomas Darlin, July 15, 1755.

Jacob Yale pd. £4 for ½ share as per receipt dated Nov. 22, 1762. Signed per Daniel Lyman.

Mr. Sam[l] Enno, of Windsor, paid £4 L. M. for ½ share as per receipt, December 3, 1761. Signed per Elisha Shelton, one of the Committee.

David Cole, of Farmington, pd. £8 L. M. for a whole share as per receipt, Nov. 9, 1762. Signed per Dan[l] Lyman.

Ezra Knap pd. £8 to Uriah Steavens for a whole right as per receipt Jan[y] 1, 1762. Signed per Uriah Steavens.

Elijah Clapp pd. 9 dolls. to Dan[l] Edwards for a whole share as per receipt, May 12, 1755. Signed per Dan[l] Edwards, one of the Committee.

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At a meeting of the Susq[a] Comp[y], legally warned and held at Windham, March 13, 1771.

Elizur Talcot, Moderator. Sam[l] Gray, clerk.

Whereas, our settlers are again unjustly and inhumanly drove off from their settlements at Wyoming, and robbed of their effects, by a gang of lawless and wicked men, and it is judged best and necessary for the interests of this Company to regain and hold possession of our settlements at Wyoming, and in order thereto, it is now voted. That the 240 settlers, together with those settlers to whom the township of Hannover is granted, shall as soon as may be, repair to Wyoming on Susq[a] river, and take possession of our settlements there, and hold them for said Comp[y], and in case any of said settlers shall neglect or refuse to go and take, and hold possession of said lands according to the former votes of this Comp[y], that then any other person or persons that shall go and regain and hold possession of said land, according to the former votes of this Comp[y] shall each be entitled to one Settler's right, and for a further encouragement each settler shall at his setting off be paid out of the Treasury of this Comp[y] five dollars, and that Ezekial Pierce, Esq., Capt. Zebulon Butler, Edward Mott, Robert Durkee, John Smith, Esq., John Jenkins, Elizur Talcut, Jeremiah Angel, Eliphalet Lester, Christopher Avery, Benj. Follett, Wm. Gallop, Seth Smith, Wm. White, of Stafford, Gad. Stanley, Capt. Eliphalet Whittlesey of Kent, Benj. Steaphens of Canaan, Increase Mosely, Esq., Dan[l] Lyman, Esq., Johnathan Pettibone and Obediah Gore, be a committee to take the names of such persons as shall engage to go forward; and that such persons shall come into such agreement as shall be judged necessary, and that a tax of two dollars on

each right be granted for defraying the charges of the Compy, and the expenses of those who shall go upon the lands, and that as a general Collection of the tax can not likely be made so soon as the money will be wanted for those who go to take possession, that said Committee be desired to apply to as many of the proprietors as they Can, between the time of this meeting and the time to which it shall be adjourned, and collect of said proprietors as much as they can be persuaded to disburse on the present occasion; or take good security payable to the Treasurer in a short time, for such sum as any person will be willing to advance, to be improved to supply those who shall go forward, and such other purposes as the Compy shall order and that said Committee make a report of what they shall do in the premises, to said adjourned meeting. That such proprietors as shall be willing to advance or secure more than their proper proportion of said tax, shall be refunded and paid what they shall so advance over and above Sufficient to pay such person's own tax, out of the general tax, when sufficient for that purpose shall be collected, above what is necessary for those who Shall go and take possession as aforesaid, and on failure of such Collection, to be allowed therefor in the settlement of said lands, when that shall take place.

Voted, that the above Committee collect and pay to the Treasurer, said two dollars of such proprietors, granted as aforesaid to be improved for the purpose aforesaid.

Voted that the 300 mentioned in the vote passed on the 12th day of April, 1769, to go on upon the Susqa river lands, shall have liberty to go upon said lands according to the tenor of said vote, provided they shall go by the first day of June next.

Adjourned to the 4th day of April next at Windham.

Teste Saml Gray, Clerk.

At a meeting of the Susqa Compy held at Windham, by adjournment, April 4th, 1771.

Elizur Talcot, Moderator. Saml Gray, Clerk.

Whereas, the Susqa Compy at their meeting held in Windham on the 13th of March last, Voted, that 240 Settlers, together with the Settlers to whom the township of Hannover was granted, should as soon as might be repair to Wyoming on Susqa River, and take possession of our settlement there, and hold the same, &c.; and that in Case any of said Settlers should neglect to go and take possession, &c., that then any other person or persons that should go and take possession, &c., according to the former votes of said Compy; such other person or persons should each one be entitled to one settling right,

and as an encouragement, that each Settler at his setting out should receive five dollars towards his expenses; and it was also voted that the 300 mentioned in the vote passed the 12 day of April, 1769, should have liberty to go on upon said lands according to the tenor of said vote; provided, they should go on by the first day of June next, at which meeting on the 13 of March last a tax of two dolls. on a right was granted for the purpose aforesaid; and a Committee appointed to Collect Said Tax, and pay the same to the Treasurer of said Comp^{y}, and also said Committee was directed to take the names of such persons as would agree to go upon said lands according to the tenor of said votes, and make their report to this meeting, to be further proceeded on, as Should seem most prudent, as by said vote of said meeting on the 13th day of March, may more fully appear.

And whereas, the Major part of said Committee have made their report in the premises, it appears from said report, that it is the general opinion of the proprietors so far as they have been Consulted, which extends to a very considerable part of said Comp^{y}, that it is desirable to defend our possessions on Susq^{a} River with life and spirit, and they appear universally willing to extend what shall be necessary for that purpose, and seemed determined to prosecute our claim to those lands in every Constitutional way that Can be devised, until the same shall be in some legal way determined.

The proprietors determine to defend their possessions.

Yet it is judged by many of the proprietors, that as we have now a petition lying before the General Assembly, praying them to take into consideration the general claim of this Colony to those Western lands, which it is expected will be acted upon at the next sessions, and as it seems almost impossible but that the Assembly on Consideration of the Colony's title, will judge the same good, and Claim the same accordingly, which determination may be of great advantage in defending our particular right, and that we may pay a due deference to the laws of the land, the proprietors Judge it most prudent, actually to delay going on to said lands according to said votes, until opportunity to know the minds of the Assembly, for which reason many have neglected to pay said tax, and those who intend to go and take possession, decline going at present, and though some others are of opinion it is best to set out forthwith and endeavour to regain our possession there, yet these different sentiments have prevented our being prepared to Carry said Vote into Execution at this time, and Therefore, it is unanimously agreed and voted, to suspend entering on said lands according to said votes passed the 13th of March last, until the adjourned

meeting to be held at Hartford on the 15th of May next, and that during said term until said meeting, said Committee are hereby directed to pursue said votes, and Collect said tax, and procure the number of settlers to get ready to set out agreeably to said votes, at such time as Said adjourned meeting shall judge most Expedient, and such settlers as shall proceed forward agreeably to such votes, or ordered of said adjourned meeting to be held in Hartford in May next, shall be entitled to all the rights and privileges voted and granted to them at the meeting held at Windham on the 13th of March last, in the same manner as they could, would, or might have been, had they proceeded according to said vote without any delay. Voted Nem. Con.

Whereas, Major John Durkee and several others of the proprietors of the Susqa purchase are confined in the Common goal in the province of Pennâ, and are there destitute of friends and money which renders their situation extremely distressed and affecting to all who have any just ideas of their sufferings, and application having been made at this meeting for some relief, this meeting taking this matter into serious Consideration, Voted, That the sum of £50 be immediately raised and sent to Major Durkee, and the others, for their relief, and as there is no money now in the Treasury, it is Voted,

That the following provision shall be made for raising the aforesaid sum, viz: that proper persons be appointed to apply forthwith to the proprietors in the several towns, and advise them of the distressed situation of the said Major Durkee, &c., and request the proprietors, to pay to such persons applying such sums as they may think themselves in duty bound to advance to the relief of our distressed friends aforesaid, and that every Sum so advanced be immediately Sent to the Treasurer, and that the Treasurer repay to such proprietor or proprietors the several Sum or Sums they shall so advance, as soon as the same Can be collected out of the debts or tax due to said Company.

And if sufficient sums shall not be collected in the above method, then if any of the friends of the persons Confined as aforesaid, or either of them, shall procure in whole or in part, of the above sum, and send the same to be distributed among them, as aforesaid, that then such sums so procured, shall be refunded to them in like Manner as the same is provided above, to be paid to the proprietors; and in case both said methods shall fail, that the Committee as soon as may be, Collect the said sum, and send to the said Major Durkee, &c., as aforesaid, for the purpose aforesaid, and if it so happen that a Collection Cannot be made for the general purpose aforesaid, that then if the friends of either of said prisoners Shall raise a sum of

Money, and send to either of said prisoners, then in that Case the same shall be refunded out of the Treasury aforesaid, in manner aforesaid, provided the sum so raised do not exceed to Major Durkee £34, and either of the others, viz: Simeon Draper. Dan[l] Gore, Asa Ludding-ton and Thomas Bennet the sum of £4 each, which makes the s[d] Sum of £54.

Names of prisoners.

Voted, that Ebenezer Backus, Capt. Silas Parks, William Hurlburt, Ebenezer Baldwin, William Gallop, Increase Mosely, Elizur Talcut, Joseph Eaton, Robert Durkee, Zebulon Butler, John Perkins, Ezra Bewell, John Jenkins, Nathaniel Loomis, Jeremiah Angel, Johnathan Pettibone, Gad. Stanley, John Smith, and Obadiah Gore be a committee to make application to the proprietors, in order to collect the above sum of £50, and pay the same to the Treasurer of the proprietors, for the purpose mentioned in said vote.

Whereas, there are several persons belonging to Penn[a] government, now residing among us in this Colony, who were obliged to depart our settlements at Susq[a] by reason of the forcible proceedings of Amos Ogden and others, his accomplices against them, while defending our possessions there, which persons by means of leaving their Estates, families and business there, seem justly to deserve some assistance from the Company here for their support, which persons have been supplied in part by Mr. Ebenezer Backus of Windham, and will stand in need of further assistance for necessary support, both as to provisions and some articles of clothing; It is therefore Voted, that the Cost already arisen for their support since they Came into this Colony, including what they expended in this Colony on their journey to Windham, as well as since, and what shall be needful for their Comfortable support until the 15[th] day of May next, shall be paid to those who shall so support them, out of the Treas[y] of said Comp[y], by order on the Treas., drawn by the Committee, who are also empower'd to adjust & settle the accounts exhibited by any person or persons in the premises.

Voted, that the standing Committee forthwith Send, or procure to be sent, the £50 in money voted to be sent to Major Durkee, &c., in the most safe, expeditious and prudent Manner they Can, to be distributed by said Major Durkee, &c., according to s[d] vote.

Voted, that Sam[l] Gray, Sam[l] Webb and Andrew French, be a Committee to inquire into, settle, and adjust all the monies that have been paid out of the Comp[y's] Treasury, for the use of the Comp[y], and how the same has been disposed of by those who have received the same, and make their report to Some Meeting, duly warned, as soon as may be.

Voted, that the standing Committee living in Windham (Except Sam[l] Gray) be a committee to settle with the Treasurer relative to all the money at any time received into the Treasury, or that ought to be paid into the same, and make their report to some meeting of said Comp[y], as soon as the same is accomplished.

This meeting is dissolved.

Teste Sam[l] Gray, Clerk.

At a meeting of the Susq[a] Comp[y] held by adjournment at Hartford, May 15, 1771.

Voted, that James Bird be added to the Committee for gathering and receiving the last two dollars tax granted, and pay the same to the Treasurer of this Company.

Voted, that Sam[l] Gray shall attend the General Assembly, and assist in preparing the Susq[a] Case for a hearing.

Adjourned to the 23[d] inst. at Hartford.

At a meeting of the Susq[a] Comp[y], held by adjournment at Hartford, May 23, 1771.

Voted, to adjourn to the 12[th] of June next at Windham.

At a meeting of the Susq[a] Comp[y] held at Windham by adjournment, June 12[th], 1771.

Major Talcot, Moderator. Sam[l] Grey, clerk.

Whereas, this Comp[y] at their meeting held at Windham, March 13, 1771,

Voted, that it was necessary and best for the interest of this Comp[y], to regain and hold possession of our settlements at Wyoming, and in order thereto, it was voted, that the 540 Settlers formerly voted in, as also those settlers to whom the township of Hannover was granted, should go forward and take possession of our lands at Wyoming by the first day of June instant, and at the meeting of this Comp[y] in April, it was voted and agreed further, to suspend entering on said land till the adjourned meeting held at Hartford, May 15[th] last, which meeting by sundry adjournments Come to this time, and it is now judged necessary and best, and Voted, that the said 540 Settlers immediately go forward and take possession of our lands at Wyoming, and hold the same according to the former vote of this Comp[y], at their meeting held at Windham in March and April last, and that they be on said lands by the 10[th] day of July next.

Whereas, it is probable some of the settlers will fail of going on and taking possession of their settling rights, according to the votes of this Compy, and some others have forfeited their settling rights by unfaithfulness, and it will be necessary to fill up the said number of 540 Settlers.

It is now Voted, that the Compy of Settlers when they have got possession of said lands, either by themselves, or by Committee by them Chosen, shall have full power to admit new Settlers upon Such forfeited rights, and fill the said number up, if good, able and faithful men shall offer themselves.

And if any person or persons, shall be agrieved at the doings of said Compy of Settlers, or of such Committee as they shall appoint, respecting the disposing of any such forfeited right or rights they shall have liberty to lay such grievance before this Compy at some future meeting, to be determined by this Compy at such meeting.

Voted, that James Hannah, Philip Goss, David Carver, Andrew Graham, John Bacon, Jun., Thomas Fanning, Benj. Dorchester, Ebenezer Learned and Johnathan Buck "Nine Partners," be added to the Committee for Collecting the last two dollars tax that was granted, and pay the same to the Treasurer.

Whereas, William Speady, James Bigger and Richard Cook, did in Jay last join with and assist our people in endeavoring to hold the possession of our lands at Wyoming, but were after a manly resistance drove off, and are now about to return with our people to take possession of our lands at Wyoming.

It is now Voted, that the said William Speady, James Bigger and Richard Cook be each of them entitled to one settling right in said lands, of such rights as are or shall be forfeited, to be admitted by the Committee that shall be Chosen to admit settlers to fill up such rights as are forfeited.

Whereas, the proprietors of the Susqa Compyes purchase belonging to New London in October last did advance seventy-five dollars to Captain Latimore and a number of Men that went with him to Delaware river in order to relieve our Settlers that were in distress, and to endeavor to retake our Fort and now apply to the Company in some measure to repay the same, it is now Voted, that in Consideration thereof, Eliphalet Lester of New London, who has two rights to dispose of that he recd of Mr. Gershom Breed one of the standing Committee, shall dispose of, or sell, said two rights in said purchase, and pay said 75 dollars to those who advanced the same.

This meeting is dissolved. Teste, Saml Gray, Clerk.

At a meeting of the Susqa Compy at Windham, lawfully warned and held Oct. 9, 1771.

Elizur Talcut, Moderator. Sam[l] Gray, Clerk.

Whereas, there is a number of the hundred rights formerly voted to be sold, that remain unsold and not disposed of; It is now Voted, that Capt. Joseph Hurlburt of New London, shall be, and he is hereby authorized, to sell and dispose of ten of those remaining rights, at the sum of £12 L. M. per right, and to render an account thereof to the standing Committee, for the use of said Company.

Voted, that Sam[l] Ely, Esq., be appointed a Committeeman to collect the two dollars tax granted last March.

Voted, that all those persons that have been appointed to collect and receive money for the taxes, &c., granted by this Comp[y] are desired forthwith to transmit their accounts to Sam[l] Gray, Esq., and to the standing Committee, and settle the same; and that those persons that have received of the Comp[ys] Money to dispose of, are forthwith desired to send in their accounts to the said Sam[l] Gray, Esq., or to the standing Committee, to settle the same.

At a meeting of the Susq[a] Comp[y] lawfully warned and held at Norwich, April 1, 1772.

Whereas, this Comp[y] are fully sensible of the Equity and justice of the Claims to the Susq[a] Comp[y] So called, and of the rectitude of their intention in prosecuting their claim, which has been to gain possession of those lands, in order to lay a foundation for a legal trial and decision of their Cause; yet instead of the proprietors of said Pennsylvania bringing forward or prosecuting any Civil action in which the title to those lands might be set up, and brought in question for a legal decision and determination; instead thereof have made divers attempts to drive us off by force, though under pretext of law process for riots and actions of a Criminal nature, by which means great violence and some bloodshed has happened, Contrary to our intentions and inclinations, but as we are determined to prosecute our Claim by every legal way and means, and to prevent future violence and bloodshed. Voted, that some proper person or persons, be appointed to proceed to Philadelphia as soon as may be, and address his Honor Gov. Penn, and with him Confer upon what method may be taken to bring the Contending Claims of the proprietors of Pennsylvania and the Susq[a] Comp[y] to a legal and Equitable decision, that all tumults and violences for the future may be prevented.

Voted, that Capt. Joseph Trumbull be, and he is hereby appointed agent for this Comp[y], as soon as may be to repair to Philadelphia and wait on his Honor Governor Penn, agreeable to the above vote.

Petition for Civil Government at Wyoming.

Voted, that application be made to the General Assembly of this Colony in May next, for the Establishment of Civil government among the Settlers in the Susq[a] Country, within the limits of the Charter of this Colony.

Voted, that Col. Elizur Talcut be appointed to forward and prosecute the petition as above mentioned.

Whereas, there are many proprietors of the Susq[a] purchase that have not paid up the taxes already granted on the Susq[a] rights, it is now Voted, that the same be paid by the first day of May next, and all such proprietors as shall refuse or neglect to pay the same by that time, their rights shall be forfeited and revert to the Company.

Voted, that the thanks of this Comp[y] be returned to the Hon. Wm. Sam[l] Johnson, Esq., for his special Services done for this Comp[y] in Great Britain, and that the Hon. Eliphalet Dyer be desired to present the same accordingly.

Voted, that there be a Committee of five men appointed, who shall be empowered to receive in Settlers, who have been sufferers by reason of their being drove off their settling rights,

Sufferer's Rights,

or by being imprisoned, or that have been hindered from repairing to, or holding their said rights by act of Providence; to fill up the five townships that are already laid out.

Provided, that no person or persons that now are admitted and that are now on or in said townships holding the same according to the former votes of this Comp[y], or are now imprisoned or absent by leave from the Committee who return according to the license from said Committee shall be liable to or be removed from or out of any of the said five townships. Also voted, that the Committee now appointed, are hereby

Townships at Capouse.

empowered to lay out one or more Townships at Capouse Meadows, five miles square, to forty settlers, divided into forty-three shares, three for public use, as in the other Townships, in order to supply said sufferers: respect being had to the time and nature of their sufferings, provided the said sufferers shall apply to the said Committee, any time before the first day of July next, and then go to the said township, and hold and improve the same, upon the same terms the other settlers hold the other townships.

Voted that said Committee are likewise empowered to order and direct when new townships shall be laid out of 5 miles Square, divided into fifty-three rights or shares, three for pub-

Townships to be laid out on the application of 20 proprietors.

lic use when they shall be applied for by twenty proprietors by themselves or agents, for lands to settle on as a part of their proprietor's right,

provided always that no person shall have any lands laid out to him, or shall be received into any township as a proprietor, until he brings a Certificate from the Clerk of this Compy that he is a proprietor and has paid all the taxes due on his rights or otherwise Satisfy the Committee now appointed to lay out townships, that they are proprietors in said purchase, and have paid all the taxes due on their said rights; or if any taxes be due, that they pay the Same to the said Committee for the use of said Compy; and that there shall be twenty settlers, settled within each of said townships within two years from the time of laying out the same, in order that said proprietors of said Townships shall hold the same.

20 Settlers must occupy each Townp. within 2 years.

Also, Voted, that if there shall be more of the agrieved settlers that shall appear by the time aforesaid to settle on said lands, the said Committee are hereby empowered to lay out a township on Muncy Creek, of six miles square, to fifty-three proprietors, if so many shall appear by the time aforesaid, to be laid out into fifty-three shares and if not filled up by such suffering settlers the other shares to be filled up by the proprietors that come on to settle on their original rights Except the three public rights reserved for public use to be under the same regulations that the other townships are.

Suffering Townp. on Muncy Creek.

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At a meeting of the Susquehanna Company held at Hartford, April 22, 1773.

Whereas there are many memorials and Complaints now Exhibited to this meeting of interesting Consequence to the settlers, and this Compy is not furnished with proper Exhibits justly to determine the same, it is now thought best and—

Voted, to refer the Consideration of all the aforesaid Complaints and Memorials to the Consideration of this Compy at their Adjourned Meeting in June next, and that there shall be a letter of advice wrote to the Settlers on said Susqa land, advising them of the time of the adjournment of this meeting, and that they endeavor to make an amicable Settlement of all their plaints and grievances, and that the settlers appoint a proper Committee to appear at said adjourned meeting, and inform said meeting relative to said Complaints, that they may be heard and Equitably redressed, if not settled before.

Upon the memorial of Elisha Williams, Thomas Bollding (Baldwin) and Silas Dean, a Committee of the Town of New Weathersfield, Yalestown, Bethlehem, Judea, Charlestown and New Simsburg, on the West Branch on the Susquehanna River,

in part of their general rights in said purchase, praying that they may have a township granted to them on the said West Branch of said River, to settle on Compact together, in order to secure said West Branch.

Settlements on the West Branch.

Voted, that the proprietors of said Township, shall have one Township of land laid out on the West Branch of said river, in some proper place, for the security and defense of said West Branch, Six Miles Square, and that the proprietors of said Township shall forthwith settle on said Township to the number of 120 settlers, and hold and keep said Township in opposition to any claim but the claim of this Compy; and that said township now granted, shall be considered as one of the three townships formerly granted by this Compy, on the West Branch of said river, to be settled for the security and defense of our said purchase, and that this so settling and defending and holding said township now granted, shall be considered and allowed in lieu of the settlements on the above township, according to the votes of this Compy; and to delay the settlement on said township for the term of five years, or to settle sooner, if it can be done with safety to themselves and the Compy.

Civil Government prayed for.

Voted, that Col. Elizur Talcut and Saml Gray, Esq., as agents for this Compy prefer a memorial to the Honorable the General Assembly of the Colony of Connecticut, to be held at Hartford in May next; representing that the great difficulty that the settlers of the Susqa purchase are under for want of Civil government and authority, praying that Civil government may now be appointed for, and among the settlers on the Susquehanna purchase.

Whereas, there is some difficulty with respect to the votes relative to the township of Hannover, and the number of said settlers to be placed in said township, it is the understanding of this meeting, that by the votes of this Compy, Capt. Lazarus Stewart and William Stewart and their associates, should have the direction of filling up said town of Hanover, and that there shall not be less than thirty-six settlers on said town to hold the same, the regulation of said town to be nevertheless under the Control of this Compy, as the other towns are.

Whereas, there were three townships of land formerly granted as a gratuity for the encouragement of settling on the West Branch of Susqa River which are not yet taken up;

And whereas, this Company have now granted one of said townships to the proprietors of the New Weathersfield, &c.

It is now voted, that the vote of this Compy, with respect to the other two townships be and the same is hereby reconsidered, and made null and void.

Whereas, this Compy did at their meeting held at Windham, Oct. 9, 1771, order one hundred rights or whole shares in our said purchase on Susqa to be sold, which rights are in part sold, It is now Voted, that the clerk of this Compy shall apply to those persons that were appointed to sell said rights, and know what are sold, and what yet remain unsold, and see that the same are settled, and the money paid in for the use of the Compy, and that there shall be no more rights sold in said purchase, but by one or more of the standing Committee of this Compy, and they not to exceed the number aforesaid with what has been sold.

Voted, that the proprietors of any towns, who on Carefully Examining the situation of the lands they have pitched on, if disagreable, may have liberty to pitch or locate anew, not interfering with any prior pitch or location, and taking the same steps as formerly directed by this Compy by surveying and laying out the same.

Locations may be changed.

Voted, that the whole share proprietors shall have liberty to take up two fifty-third parts in the first town he shall come into, or one fifty-third part in the two first townships he shall come to.

Each whole share entitled to 2-53 of a Township.

And he that is a half share proprietor, shall have liberty to take up one fifty-third part in the town he shall just Come into, which shall be considered in future in laying out said rights, reserving three rights in said township for public use, according to the former votes of this Compy.

Pitches to be observed.

Voted, to adjourn this meeting to the first Monday in June next at Hartford.

At a meeting of the Susqa Compy, held by adjournment at Hartford, June 2, A. D. 1773.

Whereas, we the subscribers, inhabitants of Connecticut in New England, in America already settled, and about to settle on certain lands on the river Susqa in said Colony, by us and our associates some time since purchased of the original natives by and with the Consent of the said colony of Connecticut;

Articles of agreement.

And Whereas, the same lands are claimed to be within the jurisdiction of the Province of Penna, and the Colony of Connecticut choosing to proceed with Caution and deliberation, have applied to counsel learned in the law, in Great Britain, for their advice therein, which at present the Colony have not received, by reason whereof we have as yet no established Civil Authority residing among us in said settlement; in Consequence

of which deficiency disorders may arise tending to disturb the peace and Harmony of the settlers as well as the peace of our Sovereign Lord the King which to remedy we have this day Come into the following heads of Articles of Agreement with each other:

Loyalty to the King of Great Britain.

First. We do solemnly profess and declare true and sincere allegiance to his Majesty King George III. and that no foreign Prince, person, prelate, potentate or State hath or ought to have any jurisdiction, power or authority, Ecclesiastical or Spiritual, within the realm of England.

Good behavior.

Secondly. We do solemnly promise and engage, that we will, so far as lieth in our power, behave ourselves peacably, Soberly and orderly, toward each other in particular, and the world in general. Carefully observing and obeying the laws of this Colony, as binding and of force with us equally and in all respects, as though we actually resided within any of the Counties of this Colony.

Thirdly. For the due enforcing such laws, as well as such other orders and regulations as shall from time to time be found necessary to be Come into by said Settlers and Company, We will immediately within each town already settled, and immediately after the settlement of those that may be hereafter Settled, choose three able and Judicious men among such settlers, to take upon them under the general directions of the Compy, the direction of the Settlement of each such town, and the well ordering and governing the same; to suppress vice of Every Kind, preserve the peace of God and the King therein, to whom each inhabitant shall pay such and the same submission, as is paid to the Civil authority in the several towns of this Colony. Such inhabitants shall also choose in each of their respective towns, one person of trust to be their officer, who shall be vested with the Same power and authority as a Constable, by the laws of this Colony is, for preserving the peace, and apprehending offenders of a Criminal or Civil nature.

Duties of.

Constable to be chosen.

Directors to meet monthly.

Fourthly. The directors in each town, shall, on the first Monday of each month, and oftener if need be, with such their peace officers, meet together as well to Consult for the good regulating thereof, as well to hear and decide any differences that may arise and to inflict proper fines or other punishment on offenders according to the general laws and rules of this Colony, so far as the peculiar Situation and Circumstances of Such town and plantation will admit of, and as the reforma-

Court.

tion of offenders is the principal object in view, always prefering Serious admonition and advice to them, and their making public Satisfaction by public acknowledgement of their fault, and doing Such public service to the plantation as the directors shall judge meet, to fines in money or Corporal punishment, which however in Extreme Cases, such directors shall inflict, as said laws direct.

Trial and punisht.

Fifthly. The directors of Each individual town or plantation, shall once Every quarter or three months, meet together, to Confer with each other on the state of each particular town in the Settlement, and to Come into Such resolutions Concerning them as they shall find for their best good, and also to hear the Complaints of any that may judge themselves agrieved by the decisions of the Directors in the several towns, who shall have right to appeal to such quarterly meeting.

Sixthly. No one Convicted of sudden and violent breach of the peace, of swearing, drunkeness, stealing, gaming, fraud, idleness and the like, before the Directors of the particular town in which he lives, shall have liberty of appeal to such quarterly meeting from the sentence of such particular Directors, without first procuring good Security, to the satisfaction of Such Directors, for his orderly and Sober behaviour until such meeting, and for his submitting to, and Complying with, the sentence of such meeting. No one in matters of private property, shall have liberty of appeal from such particular Directors, to such quarterly general meeting of Directors, where the Controversy is not more than twenty shillings.

Seventhly. Such quarterly meeting of the Directors shall appoint an officer statedly to attend them as their clerk, who shall Carefully register their proceedings, also an officer in the character of a general peace Officer or Sheriff, who shall also attend them, and to whom the inhabitants of the whole settlement shall submit, in the same manner as the inhabitants of any County within this Colony by law are obliged, to their respective High Sheriff.

Clerk to be appointed peace officer.

Eighthly. All persons within Such Settlement accused of the high handed Crimes of Adultery, Burglary and the like, shall be arraigned before such quarterly meeting, and if Convicted shall be sentenced to banishment from such settlement, and a Confiscation of all their personal effects therein, to the use of the town where such offence is Committed; and should the still more heinous Crime of Murder be Committed, which God forbid, the offender shall be instantly arrested, and delivered into the hands of the nearest Civil authority of Connecticut, and should any person or persons be accused of Counterfeiting

Counterfeiting.

the bills or Coins of any province on this Continent, and be thereof Convicted before such quarterly meeting, the Colony whose bills thereof are thus Counterfeited, shall have liberty to take such offender and punish him. He shall be instantly banished the settlement, and his personal effects Confiscated as aforesaid. And all persons Convicted or accused of any heinous Crime in any province on this Continent, and shall fly from justice, the inhabitants shall, as well Directors, peace officer and others, aid and assist their pursuers in apprehending them, that they may be duly punished in the government where they have offended.

Ninthly. There shall be no appeal from the doings of Such quarterly meeting, or their decrees to the Susquehanna Comp^{y} in general, save when the property of land is disputed, in which Case the appellant shall first secure the appellee his Costs, if he make his appeal good before the Company.

Appeal.

Tenthly. The Directors of each town shall make out and exhibit to their first quarterly Meeting a list of the rateable estates and polls of the inhabitants of each town, and such quarterly meeting shall have power to assess the inhabitants for defraying public Expenses, and also to enforce the assessments made in each particular town if need be.

This should be 11th assessment.

Eleventhly. The inhabitants of each town, to wit, all the males of twenty one years and upwards, and a proprietor in one of the said towns, shall anually Meet on the first Monday in December, and choose Directors for said town, with their peace officer and other officers that shall be found necessary for the ensuing year, and the Directors, &c., that may now be chosen, shall have authority until new ones are Chosen, and no longer.

This should be 10th.

Elections.

Militia Law

Twelfthly. The law regulating the Militia of the Colony, shall be particularly attended to by the Directors of the respective towns, and the general regulation thereof as the particular Circumstances of the people require, shall be in the power of such general quarterly meeting.

Also, we do Solemnly declare these and Such other regulations as we shall hereafter Come into, by and with the advice and Consent of the Susq^{a} Comp^{y} in full meeting assembled, to be of force and binding on us, and each of us, our heirs and assigns, until the Colony of Connecticut shall annex us to one of the Colonies of this County, or make us a distinct County,

or we obtain from the said Colony, or from his gracious Majesty King George III. whose true and loyal subjects we are, powers of Government in Some more permanent method.

And it is further agreed and voted, that the Directors in each of the several towns now Settled, and that shall be settled, Shall forthwith procure a Copy of the foregoing Agreement, which Shall be entered at large in a book for that purpose, and all the male inhabitants of the age of twenty-one years, shall personally subscribe the Same with their own proper names or Mark, and Strictly abide by, and fulfil the same, and such inhabitants or Settlers as are already Come in to Settle, or shall hereafter appear to Come in as Settlers, as shall neglect or refuse to subscribe to, and abide by, the foregoing agreement, shall not Continue there, nor be admitted as settlers on Said land.

Directors appointed

Voted, that the following persons be and they are hereby appointed Directors in the several towns hereafter mentioned, until the first Monday in Decemb^{r} next, with the powers and authority according to the foregoing agreement, to wit:

Major John Durkee,
Capt. Zebulon Butler,
and Obediah Gore, Junr.. } for the town of Wilkesbarre.

Phineas Nash,
Capt. David Marvin,
and Joseph Gaylord, } for the town of Plymouth.

Isaac Tripp, Esq.,
Timothy Keys,
Gideon Baldwin, } for the town of New Providence.

Capt. Obediah Gore,
Nathan Denison,
Parshall Terry, } for the town of Kingston.

Capt. Lazarus Stewart,
William Stewart,
John Franklin, } for the town of Hanover.

Caleb Bates,
James Brown,
Lemuel Harding, } for the town of Pittstown.

Committee on Townships.

Voted, that Major Durkee, Capt. Zeb^{n}. Butler, Obadiah Gore, Junr., and Nathan Denison, or the Major part of them that shall be present at Susq^{a}, shall be a Committee to direct the laying out of townships to such proprietors as shall apply for the same, According to the votes of this Comp^{y}, and that those proprietors that have not settled and paid up the taxes due on their rights to the Clerk of this

Comp^{y}, Shall satisfy the Committee now appointed that they are proprietors, and shall pay all taxes due on said rights.

Whereas, there is one particular Gentlemen in this Colony, a proprietor in the Susq^{a} purchase, that has done Sundry Services for this Company, for which he has had no Compensation, in testimony of our gratitude to him we do hereby authorize Eliphalet Dyer, Sam^{l} Gray and Jedediah Elderkin, Esq., a Committee, to give order for locating and laying to said gentleman, a tract of land to make a handsome and Convenient Settlement, in some place in said purchase, which shall not be any damage in laying out towns on said purchase, to be in part of said gentleman's proprietor's rights, not Exceeding 500 acres.

Whereas, there is a Controversy between Abel Yarrington, Ichabod Hopkins and William Hurlburt respecting a settling right in the township of Plymouth, which was on the 4th day of Feb^{y} last settled by the Committee to said William Hurlburt, the parties appeared in this meeting, and mutually agreed to Submit the Controversy to Major John Durkee, Capt. Benj. Steavens and Mr. Noah Phelps, who undertook to hear the parties; and under their hands report, that they had determined said right in said Plymouth, to said Wm. Hurlburt, and the said Yarrington and Hopkins to be otherwise provided for by this Company.

It is now Voted, that the said Wm. Hurlburt, shall have said right in said township of Plymouth, on his Continuing to do the duties due on Said right according to the vote of this Comp^{y}, and that the said Yarrington and Hopkins, be further provided for by this Company.

Voted, that Major Durkee, Capt. Butler, Obediah Gore, Jun., and Nathan Denison, be a Committee, with three more persons Chosen by the Settlers of the Six towns, to be a joint Committee, to regulate the Settlement of said towns Consistent with the former votes of this Comp^{y}, and to redress those grievances that are agreed upon at this meeting, that are not particularly already provided with a Committee.

To the Gentlemen of the Susq^{a} Comp^{y} in meeting Convened:

We your Committee appointed to hear the Complaints and grievances Exhibited to this meeting and make report of the State of those grievances and make our report thereon, beg leave to Report, That we find that Stephen Rice has the legal and equitable title to the right in Plymouth that justly belonged to John Chase, who was killed at the retaking of the Fort at Wyoming, &c., and that Capt. Gore be good by the Company elsewhere.

We further find that Major Durkee, Messrs. Vine Elderkin,

Ebenezer Gray, Jun., Andrew French and Capt. Ebenezer Backus have lost their rights, taken from them, and we are of opinion that they be provided by the Compy and each be made equal to a right in the township of Kingston, Computing the same according to the present value thereof, and that Capt. Zebulon Butler, Isaac Tripp, Esq., and Nathan Denison be, and they are hereby appointed a Committee, to determine the quantity of lands each of the above named persons shall have an equivalent to said right in Kingston.

Voted, that James Forsythe shall be, and he is hereby restored to his Settling right in the township of Kingston that belonged to Joseph Funk.

To the Gentlemen, Members of the Susqa Compy in regular meeting Convened:

Your Committee appointed to hear all persons agrieved or are sufferers, and report make of the State of those matters together with our opinion thereon.

We find nothing different in the Case of Nash than there was found by the former Committee, viz: Doc. Wolcott, &c., but that Nash be Considered and admitted upon the right of James Ray and dealt with as Sufferers heretofore have been dealt with.

We further find that Thomas Heath was accepted as a settler in the township of Plymouth, on the 6th day of March, 1772, and on the 16th of the same Month, Heath had a furlough to go after his family, who then were at Loyal Sock on the West Branch of the Susqa river, and to return as soon as he could, which Heath with the greatest distress and difficulty, on account of His poverty, and the circumstances of his family, and the season, was prevented from getting to Wyoming until the 23d of May following, which was as soon as was possible for him to get there, and in the absence of Heath, the Committee, on the 22d of May, 1772, declared Heath's rights vacant, by mistake, as the Committee now agree, which right was given to one Frasler, who was then absent, which right was by the Committee declared vacant after eight months absence, immediately upon which the Committee put one Reynolds upon Heath's original right, by mere Mistake, when they supposed they had put Heath to his original right, but it appears Reynolds' name is put thereto, and it is our opinion that said Heath be quited in his original right.

We also further report, that Mr. Wm. Stewart has lost that right given to him in Kingston; it is our opinion that Mr. Stewart be Considered by the Compy on that account elsewhere.

We also find, that Caleb Bates ought to have his right in Pittstown, and upon his paying the 40 dollars agreed with the

Committee for which he be entitled to his right in Muncy Creek township, and not otherwise.

We also further find, that Comfort Shaw forfeited his right by absence, and he has been provided for by the Committee in one of the suffering towns, which is all he deserves, in our opinion.

We also further find, that Matthew Hollenback was one of Capt. Stewart's associates, but had so neglected his duty, that Capt. Stewart and his associates judged him unworthy, and have refused to allow him a settling right in Hanover, and we find no reason to dissent from Capt. Stewart's doings.

We also further find, that the matters of Jeremiah Ross, and Enoch Judd, are so particularly Circumstanced, that Ross ought to be restored to his former right, and Judd be established in the right he purchased of Stevens, and that all disputes relating thereto Cease, and their title be amply secured to them respectively.

We further find, Ezra Bewell, Gershom Breed, Gershom Hewitt, Benj. Hewitt, John Wooster, Gideon Lawrence, Ephraim Fellows and Joshua Whitney, have been sufferers, and are recommended to the favor of the Comp^{y} and provided for as they shall think fit, and that the matter of John Stevens, Eleazer Carey and Austin Hunt be Continued to some future meeting, all of which is submitted by Ebenezer Baldwin, Josiah Coles, Jos. Hurlburt, Gad. Stanley, William Judd, Committee.

This report accepted.

Whereas, Wm. Stewart is by this meeting voted out of his right in Kingston, it is now voted that the Committee for regulating the Settlement, shall see that the said Stewart has equivalent thereto.

Voted, that the Committee of Settlers at Wyoming, viz: Capt. Zebulon Butler, Maj. John Durkee and Obadiah Gore, Jun^{r}, or either two of them, be directed to lay out to Capt. Judah Woodruff and his associates, a Township of land on the South Side of the West Branch of the Susq^{a} river, opposite the mouth of Pine Creek, to Extend up and down said West Branch, and to Extend as far south upon the side of the Mountain as land Can be found fit for improvement, to Contain the quantity of five miles square, including the Long Island so called, under the Same regulations as the other townships heretofore have been laid out.

Windham, March 9, 1774.

At a meeting of the Susq^{a} Comp^{y} lawfully warned and held at Windham, March 9, 1774.

Col. Elizur Talcut, Moderator. Sam^{l} Gray, clerk.

Whereas, the General Assembly at their sessions in October last, required the several Companies and settlers who have made purchases of the native right to any part of the Western lands, within the limits of the Charter, and the Governor of Connecticut, as soon as may be done with Convenience to lay the state of their purchase before the General Assembly, that whenever the title to said lands is determined in favor of this Colony, that Such part of their respective purchases may be granted them as shall be a reasonable Compensation for the Cost, trouble and expense, in purchasing and settling the same, as by this assembly shall be thought fit and reasonable, as by records of said assembly may fully appear. The Committee of the Susq[a] Comp[y] in Consequence of such requisition have duly warned a meeting at Windham on the 9[th] day of March, 1774.

When, and Where in said meeting, it is

Voted, that Jedediah Elderkin, Nathan Wales, Junr., Sam[l] Gray of Windham, Alex[r] Wolcott of Windsor, Esq., and Mr. Joseph Trumbull of Norwich, be a Committee fully to state the Comp[ys] Claim to that part of said lands purchased by said Comp[y] to the Committee appointed by the General Assembly at their adjourned Sessions in July last, or the General Assembly to be holden at Hartford in May next, or Such Committee as they shall appoint at that time for that purpose, agreeably to the requisition of the General Assembly aforesaid.

And Whereas, the Expenses that may arise in disputing the Colony's title to the Western lands, are objected by many against the Colony's prosecuting their title, to obviate such objections as far as may be equitable, taking into Consideration the great Extent of the lands lying west of this Colony's Claim and within the limits of the Charter.

Voted, that said Committee be, and they are hereby directed, to propose to the General Assembly, or their Committee, that this Comp[y] have now voted a tax of 24s lawful Money on each whole share, and 12s on each half share in this Company's purchase which will amount to £1690 lawful money, to be paid into the hands of the Comp[ys] Treasurer, to be by him paid over to the Colony's Treasurer by the first of Jan[y] next, towards defraying Expenses already arisen or that may hereafter arise, in the dispute with Mr. Penn, Concerning said lands, and as an equitable Consideration for the Crown title to the lands within the said Comp[ys] purchase, and in Case any of the proprietors of this Comp[y] shall not punctually pay up the said sum of 24s on their whole right or share, or 12s on their half share or right by the first of Jan[y] next, they shall forfeit their said rights or shares to the Colony; except orphans, or such as

may be absent beyond the sea; provided only that the Colony prosecute their Claims to their Western lands within the limits of their Charter, and grant the said Compy the Crown title to the land within their purchase.

Voted, to raise 24s on each whole share, and 12s on each half Share, for the purpose mentioned in the foregoing vote.

Whereas, by the votes of the Susqa Compy, no person has any right to take up any lands in the Susqa purchase, but such as obtain a Certificate according to the votes of Said Compy that such person is a proprietor in said purchase, duly admitted, and hath duly paid all the taxes granted by said Company, and Whereas, it is said that the names of Sundry persons are inserted in the deed to Said Compy of the Indian title, who have never Claimed any interest therein, or paid any taxes granted thereon, and who though named in Said Deed, or enrolled in the records of said Compy have treated the Same with neglect, and wholly failed to pay their taxes, and are now moving for liberty to pay their taxes, and to have Certificates granted so as to enable them to take up lands, and Whereas on Consideration of the Case, it appears to this meeting, that the taxes granted amount to but a Small part of the Expense which those proprietors have been at who have been active in presenting the Claim of said Company to said lands. Yet, nevertheless, this meeting being desirous of promoting harmony among the proprietors, and willing that all who are now desirous Should be benefitted by their purchase, do therefore vote,

That whenever any person named in Said deed, or Enrolled in said records, who have neglected to pay their taxes aforesaid, shall apply to the Clerk of Said Compy for a Certificate on the following Conditions, namely: That such persons so applying pay to the Treasurer of said Compy for the use of Said Compy, all the taxes granted by said Company, and the lawful interest thereon, and also a further sum of £10 lawful money, Excepting only orphans and those absent beyond seas or other equitable good Cause who shall be admitted on paying the whole taxes due and interest due thereon, and

Whereas, it is said that Some of the proprietors who have actually paid their taxes, or some part of them, by which they were justly entitled to an interest in Said purchase, and others have purchased rights and taken receipts, and have also paid those taxes granted subsequent to their purchase, and by some accident have lost their receipts and are thereby prevented from obtaining Certificates according to the votes of Said Compy, whereby great injustice is likely to happen, which to prevent, it is Voted, That whenever any person shall have lost any receipt or receipts as aforesaid, such person may make application

unto any two or three of the Standing Committee of said Compy, who shall have full power to Enquire into the matter, and if said Committee, or any two of them, shall be satisfied that such person has been duly admitted a proprietor in said Compy, and has paid the taxes in part, or in whole, Said Committee shall Certify to the clerk that such person is a proprietor, and what part, if any, of the taxes appear to be due, which Certificate being produced to the Clerk and the balance of taxes (if any there be) being paid, and the interest thereon, the Clerk or others authorized thereto, shall give such person a certificate, Certifying that such person is a proprietor, and hath paid his taxes, whether his name is inserted in the deed or records or not; and if such person's name is not inserted in the deed, &c., the Clerk shall enroll the same in the records of said Compy provided that those persons that Come within the first part of this vote, do apply to the clerk of the Committee of this Compy, and Comply with the tenor & Condition thereof, on or before the first of Jany next.

Whereas, this Company formerly Voted that those proprietors that should survey and take up townships on their rights in the Susqa purchase according to the votes of this Compy shall have twenty settlers settled in such towns within two years after the laying out of such towns, and whereas, the settlers have met with such opposition and hindrances that it has not been possible for said proprietors to settle on such towns within said term and that great opposition still remains. It is now

Voted, that the proprietors that have or shall take and lay out towns in said purchase according to the votes of this Compy, shall have three years from the time of taking up and Surveying such towns, to Carry on and settle twenty settlers, Mentioned in said vote.

Time of filling up Townships Extended to 3 years.

Whereas, Matthew Hollinback is one of the associates of Capt. Lazarus Stewart and Wm. Stewart, and ought to be one of the thirty-six Settlers to whom the township of Hanover was granted as a gratuity, and drew in said town the lot *Number five* and the Said Stewarts have pretended to Exclude said Matthew Hollinback from his said right, upon a report of a Committee for that purpose appointed. It is now Voted, that the said Matthew Hollinback shall have and enjoy his said right in said township of Hanover, viz., his lot No. 5, with all the after divisions in said town to be laid out to said lot No. 5, in Equal proportion with the proprietors in the said town of Hanover.

Voted twenty dollars to Mr. Speedy.

Voted, that Wm. Judd, Increase Mosely, Silas Dean, John Owen and Eliphalet Whittlesey, be added to the Standing Committee.

Voted, to print Doctor Stiles' piece.

Adjourned to meet at Hartford, on the 24th of May next.

At a meeting of the Susquehanna Company held by adjournment, at Hartford, May 24, 1774.

Elizur Talcut, Moderator. Saml Gray, Clerk.

Voted, that Benj. Stevens, Josiah Cowles, Benj. Yale, Jon^{a} Root, Aaron Cleveland, Wm. Judd, Gad Stanley and Jos. Slewman, be a committee to hear and Consider sundry Complaints and matters of grievance now preferred to this meeting.

We the subscribers, being appointed to hear, Examine and redress, the grievances of Thomas McClure wherein said McClure Complains that his settling right in Kingston No. 36. &c., was voted to James Forsythe in June, 1773, beg leave humbly to report, That Thomas McClure be restored to the above settling right in Kingston, and quieted in possession thereof, and that James Forsythe be quieted in the suffering right in the six miles square at Muncy Creek; as we find his name enrolled among the sufferers in that township, which enrollment was made in lieu of the above right after it was voted to the above named McClure, appeared by evidence laid before us, and we also find that the above named Forsythe was duly notified to appear at the meeting.

All of which is submitted to your wise Consideration.

BENJ. STEVENS, JOSIAH COWLES,
BENJ. YALE, GAD STANLEY, JOS. SLEWMAN.

The foregoing report is accepted by this meeting, and ordered to be recorded, and the parties to be Concluded thereby.

To the Gentlemen proprietors of the Susq^{a} purchase in meeting Convened:

Your Committee appointed to hear, Examine and adjust the several grievances now lying before said meeting, having heard the Complaints, Examined and adjusted the same, beg leave to report:

That the Matter of Capt. Lazarus Stewart and associates against Matthew Hollinback, be and remain as it was last settled by the Susquehanna Company, until the parties shall be duly heard before the Comp^{y}, or they be duly Cited to appear before the Comp^{y}.

As to the matter of the Survey made to Lazarus Stewart at Wapwallopen, and afterwards located to others, We are of opinion, doth not fall within the authority given us by the Comp^{y}, neither Can we find any vote of the Susq^{a} Comp^{y} an-

thorizing any Committee to locate or Survey any lands within the purchase, but such lands as are within the limits of Some town, taken up pursuant to the votes of the Compy.

It appears that, Slocum accepted a right in Providence in lieu of a right in Pittstown in behalf of Mr. Updike and ought to be Content therewith.

It appears to us that Mr. Elijah Shoemaker has had meet recompense in one of the suffering towns, for the rights he lost at Kingston or 40.

We are of opinion that the right Rob. Frazier has had, and disposed of in Wilkesbarry, is a sufficient Compensation of all that he has done for the Company.

John Steavens and Son have been duly provided for by the Committee of Settlers at Westmoreland, the Father having had a right in Wilkesbarry, and the Son in Providence.

As to the Complaint of Mr. Ebenezer Newton, we apprehend by the votes of the Susqa Company, by his own neglect has justly forfeited all further favor from the Company.

We further recommend to the Consideration of the Susqa Compy, whether it is expedient that any particular location or Survey be made by any particular person or persons, out of the limits of Some town laid out pursuant to the votes of the general Compy, and whether any such survey as has heretofore been made, be Confirmed by the Compy. All of which is submitted by your humble servants,

BENJ. STEVENS, JOSIAH COWLES, JONa ROOT,
AARON CLEVELAND, JOS. SLEWMAN, GAD STANLEY,
and WM. JUDD, Committee.

The foregoing Report is accepted by this meeting, and ordered to be recorded, and the parties to be Concluded thereby.

To the Gentlemen proprietors of the Susqa purchase in meeting Convened:

Your Committee appointed to hear and Consider the petition of James Bidlack, now lying before this Meeting, wherein he prays to be restored to the right that was originally Jeremiah Ross's, or to his original right in Plymouth, and having heard the evidence in the Case, and fully Considered of the Matters, are of opinion, that the said Ross be quieted in the possession of his said rights agreeably to the votes of this Compy on the 2d day of June last, and as to the said Bidlack being restored to his original right in Plymouth that he made over to Uriah Marvin, we are of opinion that it is out of our province to Consider, as said Marvin was not Notified of Said petition.

All of which is submitted by your humble servants.

GERSHOM REED, BENJ. STEVENS,
JOSEPH COWLES, Committee.

The foregoing Report of the Committee was accepted by the Compy, and ordered to be recorded, and the parties to be Concluded thereby.

Wm. Whiting, Esq., &c., Memorial for Warwick. On the memorial of Wm. Whiting, Esq., and proprietors of the town of Warwick, on the east Branch of the Susqa river, showing to this meeting that they had pitched upon a tract of land on the Southerly side of said river, at a place Called Nescopeck Falls. Said purchase about 2½ miles wide from said river to the mountains, and ten miles long, Surveyed to Zachariah Lothrop on the 8th of November, 1773, containing the quantity of twenty five square Miles, praying that the said survey of Said town May be accepted and approved of by this Compy, as though the same had been laid out five Miles Square, according to the votes of said Compy, as per Memorial on file dated March 9, 1774.

This meeting, having duly Examined and enquired into the quality of the land lying Southerly of the Said 2½ Miles from the river, which appearing from the evidence to be Mountainous and unfit for Cultivation, do thereupon accept and approve of the survey made by the said Lothrop of said town of Warwick, as thóugh the same had been laid out 5 miles Square.

Voted, that all those pitches of land at Susqa without the limits of any town that have already been Made, shall not be good nor valid, nor of any influence without the grant and approbation of this Company.

Whereas, Ebenezer Watson, Printer at Hartford, in his paper of the 5th of April, 1774, published false and Scandalous accounts of, and Concerning the Susqa Compy without any Just foundation therefor, and being Called upon to disclose his author, refused to do it.

Voted, that the Standing Committee of this Compy be, and they are hereby authorized and fully empowered, to pursue such measures against said Watson, as they shall judge necessary for the credit of said Company.

Voted, that Benj. Steavens, Isaac Lawrence and Elisha Baker, be, and they are hereby appointed a Committee to hear those persons that have paid Money or taxes that have lost or did not take receipts for Money paid for the use of the Compy, and give proper Certificate to the Clerk thereof.

Voted, that Zebulon Butler, Esq., and Mr. John Jenkins be, and they are hereby appointed a Committee at the Expense of this Compy, to look out the best place for a road from the east Branch, in the most Convenient place to the town of the West Branch of the Susqa river, and to Cut a horse road in such Convenient place as soon as may be, and the expense to be paid

out of the Monies in the hands of Capt. Buter and the other Committee of Settlers at Westmoreland.

Voted, that each of the towns that are pitched in Said purchase, shall as soon as they Can with Conveniency, transmit to the Committee of settlers at Wyoming an Exact list of the persons and their names that are proprietors in such towns, and such towns as are not filled up according to the vote of Said Compy, may be filled up by order of the Committee for directing the Settlement of said towns; Such persons paying their Just proportions of the Expense of taking up and laying out said town.

A true Copy of Record,
Teste Saml Gray, Clerk.

At a meeting of the proprietors of the Susqa Compy legally warned and held at Hartford, Novr 13, 1782.

Elizur Talcut, Moderator. Saml Gray, Clerk.

Chosen Agents jointly & severly to act for this Company.

Eliphalet Dyer, Esq., Wm. Saml Johnson, Esq., Jesse Root, Esq., Saml Gray, Wm. Judd, Agents for this Company, to make all preparations that are yet necessary to be made, and do any other thing necessary for the benefit of said Company.

Nov. 14.—Voted that Elizur Talcut, Esq., and Phineas Lewis, be Collector for the County of Hartford, Danl Lyman, Esq., for the County of New Haven, Thomas Morgan of Killingsworth and John Owen of New London, for the County of New London, Nehemiah Depew, for the County of Fairfield, Saml Gray, for the County of Windham, Abram Bradly, Esq., Jonas Lawrence, Collectors for the County of Litchfield, Obediah Gore, Esq., Collector of Westmoreland County.

Voted, that Col. Eleazer Talcott shall have one full right in said purchase for his Extra services.

That the Committee of this Compy or either three of them, be and they are hereby appointed and fully authorized and Empowered, to make out proper and authentic power of Attorney, or Commission to the agents appointed at this meeting, namely, the Hon. Eliphalet Dyer, Esq., Wm. Saml Johnson, Jesse Root, Esq., jointly and Severally, or any number of them, to manage and transact all manner of business to be done and transacted on behalf of the said Company before the Com-

missioners appointed to hear and determine the right, title and jurisdiction, and such like between the state of Connecticut and the State of Pennsylvania as to the lands west of the Delaware river, part of which land is Claimed by this Compy, and seal and authenticate such power or Commission on behalf of this Company. Voted.

Whereas, the trial of the right of the State to the Western lands is soon to be decided, and the interest of this Compy is Concerned therein, and it is uncertain whether the taxes already laid by this Compy will raise monies sufficient to defray their proportion of the Expense of the trial in Season and, therefore,

Voted and resolved, that the Committee of this Compy be, and they are hereby empowered to sell rights in said Compy, not Exceeding 50 shares, at Such prices as they shall judge fit, in case in their opinon it becomes necessary to raise further sums of money than are already granted, or the taxes shall not be raised in season to answer the necessary Expenses in Carrying on the trial of the Cause.

Voted, that the Collectors appointed at this Meeting to Collect of the proprietors of the Susqa Compy the 4 dollars tax granted in March, 1774, and the said Collectors are hereby directed to Collect the said tax, and to account with the Treasurer of the said Company for the same by the 30th day of Dec. 1782; and that the rights of all proprietors that neglect to pay their respective taxes to the Collectors appointed in the County where the said proprietors reside, by the 20th of Decemr aforesaid, will be sold in pursuance of an act of the General Assembly of the state of Connecticut, passed in October last, and that all Collectors heretofore appointed to receive the taxes granted by the Susqa Compy, be and they are hereby Called upon immediately to settle with the Treas. of said Compy, and that all proprietors who have not paid the former taxes, be directed to pay the Same to the Collectors named in their vote, and that this vote be published in all the Newspapers in this State, as soon as may be.

Voted that this Compy to give and grant to the Hon. Eliphalet Dyer. Wm. Saml Johnson and Jesse Root, Esq., to each of them, their heirs and Assigns, one whole right or share in the Susqa purchase of land, as a gratuity to them, and that Saml Gray, Clerk, to this Compy, give to each of said gentlemen a proper Certificate therefor.

Voted, that a triangular tract or piece of land situate on the Mountain, on the west side of the East Branch of the Susqa river, abutting on the towns of Kingston, Plymouth, Bedford and Northmoreland, be and the same is hereby appointed and set out to Major Wm. Judd, for such proportion of land in

the Susq[a] purchase as the Committee of Settlers, or either two of them, shall judge the same to be equal in value Compared with the Susq[a] purchase at large; and that the said Judd be debarred from any Claim for such right, rights or parts of rights, belonging to him the said Judd in the Susquehanna purchase, that may be esteemed equal to the grant aforesaid, and Considered as laid upon the land aforesaid, that the said granted premises be, and the same are hereby fully apparted from the general interests of the Comp[y], and to be enjoyed by him the said Judd and his heirs, in severalty.

Voted, that the Committee, Sam[l] Gray, Esq., and Major Judd, be desired to address the Governor and Legislature of the Commonwealth of Massachusetts, desiring them to furnish such documents and papers to be found in the Records and files of that State, which will reflect any light on the cause depending between the States of Connecticut and Pennsylvania, and the Susq[a] Comp[y]; and inform them, that if the Commonwealth on their behalf should see fit at their Expense to appoint any person to attend that trial, the Comp[y] have directed their Committee to furnish him with a power of Agency in behalf of the Comp[y], and the Committee are empowered to do the Same.

At a meeting of the Susq[a] Comp[y] legally warned and held at Hartford, May 21, 1783.

Eleazer Talcott, Esq., Moderator. Sam[l] Gray, Clerk.

Adjourned till 2 o'clock.

Col. Tolcott, }
Gen. Parsons, } Committee.
Sam[l] Gray, }

A Committee to lay in a Memorial to the General Assembly now Sitting at Hartford, in behalf of the Susq[a] Comp[y], that said Assembly would desire Doc. Johnson and Col. Root, agents for this State, to give said Assembly an account of the trial of the Cause between this State, and the State of Penn[a], at the Court holden at Trenton, Nov., 1782.

Voted, that this Comp[y] are determined to pursue their just Claims to the lands Contained in our Deed from the Indian Native proprietors, of the Susq[a] lands, and make application to the Hon. Continental Congress for a proper Court or Commission to hear and determine the Same according to the 9[th] Article of the Confederation of the United States; and that they will use all lawful means in their power, to maintain the

present settlers in their possessions until the Congress appoint a Court, and that Court determine the right of Soil between this Compy and Pennsylvania.

And that the Standing Committee, or any three of them, be desired to warn a Meeting of the Susqa Compy, to meet at Hartford as soon as it is Convenient, giving three weeks' notice in the public papers of the time and place of said meeting, to choose an agent or agents to represent Said Compy at Said Congress and Court, and to make all necessary preparation therefor, and the proprietors are desired to be present at said meeting by themselves or their agents.

This is a blank in the Copy.

At a meeting of the proprietors, purchasers and Settlers, of the land on the Susqa River, under the Countenance and title of the state of Connecticut, legally warned and held at Hartford, July 13, A. D. 1785.

The meeting taking into Consideration the Situation of their Claim, the large sums of money Expended in the purchase, settlement, and defense of the same, and the justice of their Claim to the said land, do Resolve

1st. That the purchase they made of the Indian native proprietors of said land, was fair *bona-fide*, and for a valuable Consideration, paid previous to any other purchase of Said land from Said Indians.

2d. That at the time of Making Said purchase there was not, nor ought there ever to have been, a doubt respecting the right of Connecticut to the jurisdiction and preëmption of that Territory, the charter and Letters-patent of Connecticut being in fact eighteen years prior to the patent to Sir William Penn, which in terms most Explicit did cover said land.

3d. That in Confidence in the Charter of Connecticut, which they judged to be sure and sacred as the Solemn acts of any public body Can be, and with the Countenance and approbation of the Colony of Connecticut, they made the purchase and Settlement aforesaid; and have at vast Expense of blood and treasure, purchased and defended their possessions against the Common enemy, to the great emolument and Security of the United States.

4th. That although the Court Constituted to determine the right of jurisdiction between the States of Connecticut and Penna, have astonished the world with the decision in favor of Pennsylvania, yet our right to those lands in possession, are

founded in law and Justice, is Clear and unquestionable, and we cannot, and will not give it up.

5th. That the Conduct of the State and people of Penna towards the proprietors of the lands on the river Susqa in consequence of the Decree of Trenton in A. D. 1782, was impolitic, unjust and tyranical and has a tendency to interrupt the harmony of the States.

Voted, that this Compy will support their claim and right of Soil to all lands lying on the waters of the river Susqa, included in their deed of purchase from the Six Nations of Indians, native owners & proprietors thereof, and Confirmed to said Compy by the Legislature of the State of Connecticut, agreeably to the laws of said State, and that the Committee of Said Compy be, and they are hereby authorized, to dispose of all non-resident delinquent proprietors' rights who have, or shall neglect to pay their taxes agreeably to the votes of said Compy, taking the previous steps pointed out in the act of Assembly regulating the same.

Voted, that this Compy will support the proprietors, owners, Settlers and Claimants of the Country aforesaid, in their new application to Congress for a trial of the right of Soil, agreeable to the 2d paragraph of the 9th Article of the Confederation of the United States of America, and that we will protect our Settlers in said Country, from all lawless outrage, unjustifiable and wanton depredations of property or personal abuse whatever, under Countenance of law or otherwise, until Such right is Judicially determined.

Voted, that every able bodied and effective man approved by any one of the Compys Committee, not being a proprietor, and that will repair to Wyoming, submit himself to the orders of this Compy and their Committee at this place, shall become a half share man proprietor in said Company, entitled to all the benefits of any proprietor thereof that has paid his full taxes to this time; provided he remains in Said Country for the space of three years and does not depart therefrom without the permission of such committee, and also, provided that such half share proprietors do not Exceed 400, and provided they arrive by the first day of October next.

Half share men.

Limited to 400.

Voted, that Col. Ebenezer Gray, Col. Thomas Dyer, Ralph Pomeroy, Esq., Timothy Edwards, Esq., Mr. Moses Sherrard, Joseph Hamilton, Esq., Zera Beach, Esq., Col. Zebulon Butler, John Franklin, Esq., Ludwig Updike, Esq., Obadiah Gore, Esq., and Capt. Saml Street, be and they are hereby appointed a Committee, in addition to the standing Committee of the Company.

Voted, that the Standing Committee be and they are hereby full authorized to dispose of six hundred rights in said general Tract of Country, for the use of said Compy using their discretion therein, and to amount when required, and the Clerk of said Compy is hereby directed to furnish said Committee with such number of Certificates as they or any of them shall require, not to exceed the number of Six hundred in the whole, each Committee man to be accountable for the number he receives.

600 rights to be disposed of.

Voted, that this Compy will Circumspectly conform themselves to all decisions of their Claim Constitutionally had; but at the same time Cannot omit despising the treatment this state met with upon a former trial, the Secretion of material papers by our opponents until after the trial was over; and being fully assured, the New England Ancient Royal Charters were the only ground of the Northern and Western Extension of the United States, in the Settlement with the late peace with Great Britain, as far south as the Completion of the 40th degree of North Latitude, Cannot Content themselves with idle speculation only, and tamely yield a tract of Country; the grant of their ancestors, that purchased themselves, Established by the only Legislature on Earth that had right to Confirm the same; and defended through a long and cruel war, at an amazing expense of property, and of more than 1000 lives.

Voted, that the Clerk of the Committee furnish each Committee man with a list of the names of the proprietors, and the sums due from each, for taxes already granted.

Voted, that the Treasurer forthwith Call on all receivers of Taxes and others, to account for the monies by them received.

Voted, that the Hon. Wm. Saml Johnson and William Judd, Esq., be and they are hereby appointed agents in behalf of this Compy, in all matters wherein this Compy is interested, before Congress or Elsewhere; and that the Clerk of this Compy be and he is hereby authorized to make out a proper power of Attorney, fully authorizing said Wm. Saml Johnson and Wm. Judd, Esq., for the purpose aforesaid, and they have a joint and several Authority in all matters wherein the interest of this Compy is Concerned, and that the Treasurer be directed, and he is hereby directed, to furnish such sums of Money to said Agents as may be necessary for the purpose of this agency, and they shall draw upon him accordingly.

Voted, that the Standing Committee be receivers of all Taxes granted by said Compy and account with the Treasurer when thereunto required.

Voted, that the Clerk of this Compy advertise in the public prints, that any person Claiming a right in this purchase,

shall send in the Evidence of his title to the Clerk of said Compy by the first of November next, or be forever Excluded from any right in the purchase.

Voted, that any three of the Standing Committee here, have authority to Call a meeting of the Compy whenever the Exigency of the Case may requires the Same.

Voted, that a tax of one dollar on each whole share, and half a dollar on each half share, be immediately paid to the Treasurer of this Compy, or any of the Standing Committee.

This meeting is dissolved.

At a meeting of the Susqa Compy held at Hartford, May 17, 1786.

Col. Elizur Talcott, Moderator. Saml Gray, Clerk.

There Voted, that all persons settled under the authority of the State of Penna, now actually inhabiting upon that Tract of Country situate upon the Westerly waters of the Susq River, and purchased of the natives by the Compy Called the Susqa Compy, be and the same are hereby fully Established and Confirmed, with full and absolute possession of the lands by them actually possessed, under said State of Pennsylvania (P. A. 1780-90, P. 114).

Voted, that this Compy Conscious of the Equity of their title to the lands *bona fide* purchased of the Natives, and Situate upon the waters of the River Susqa, will support and maintain their Claims to the lands aforesaid, and effectually justify and support their settlers therein.

Voted, that Saml Gray, Esq., Col. Thomas Dyer and Col. Ebenezer Gray, be and they are hereby appointed a Committee, with full power and authority to make out a list of all such persons as are proprietors of the said Compy, and have paid their taxes agreeably to the votes of the said Compy, and that all persons that have neglected to pay their taxes, and shall neglect to pay the Same by the first day of September next, shall, and the Same are hereby Excluded from any right, interest or property, within the Territory aforesaid; Said list to be Completed by the first day of November next.

Voted, that the Committee of the Said Compy be, and hereby are fully authorized, to apply to the Honorable General Assembly of this State for such justice as shall be due to said Compy and for such other advantages, benefits, and emoluments as said Assembly may see Cause to grant to the said Compy; and further to do, and transact other matters necessary to be done

for the benefit of Said Comp^{y}, according to their best discretion.

Voted, that Col John Franklin, Gen^{l} Ethan Allen, Major John Jenkins and Col. Zebulon Butler, be and they are hereby appointed a Committee, with full power to locate townships within the Territory aforesaid, agreeable to the votes of the said Comp^{y}, in the room and stead of the former Committee appointed for that purpose, and the Said Committee are also hereby fully authorized and empowered, to inquire into the Claims of all persons now settled at Wyoming, and such as shall make out their Claims in pursuance of the votes of said Comp^{y}, said Committee are hereby authorized to quiet them in such lands as they shall find them justly entitled to agreeably to the votes of said Comp^{y}; and that Col. John Franklin be and is hereby Appointed Clerk of said Committee, and directed to keep fair records of the proceedings of said Committee, and the transfers of all property in said settlement, and that Said Clerk transmit from time to time, fair Copies to the Clerk of this Comp^{y}, of all such locations of townships, and the names of such as shall be admitted proprietors by such Committee in virtue of the authority aforesaid.

John Franklin appointed clerk of Standing Committee.

Col. John Franklin was duly sworn, faithfully to Execute the Said office of Clerk of said Committee, according to the above vote, before Sam^{l} Gray, justice of the peace.

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Hartford, Dec. 26, 1786.

At a meeting of the proprietors of the Susq^{a} purchase, duly warned, and held at the State House in the City of Hartford, December 26, A. D. 1786.

Col. Gad Stanly, Moderator. Joel Barlow, Clerk pro tem.

Several public papers and private letters relative to the present situation of the settlers at Wyoming, were read.

It was then moved, that a Committee be appointed to prepare the business for to-morrow, and that this meeting adjourn to that time; Accordingly, Major Judd, Mr. Pomeroy, Mr. Hamilton, Mr. Beach, Mr. Barlow, Mr. Benton, Mr. O. Wolcott, Mr. A. Wolcott and Mr. Hosmer, were appointed.

The meeting adjourned till 10 o'clock to-morrow Morning.

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Dec. 27.

December 27. The meting opened according to adjournment, and the Committee reported.

Whereupon the following Resolves were passed:

Whereas, it is an object of great importance that the rights

of the proprietors under the Susq[a] purchase be ascertained and the Claims of the Settlers be reduced to a Certainty and their titles Confirmed therefor.

Resolved, that Major Wm. Judd, Sam[l] Gray, Esq., Joel Barlow, Esq., Oliver Wolcot, Junr, Esq., Al. Wolcot, Junr., Esq., Col. Gad. Stanley, Jos[h] Hamilton, Esq., Doc. Tim[y] Horseman, Col. Zeb[n] Butler, Col. Nathan Denison, Obadiah Gore, Esq., Col. John Franklin, Zerah Beach, Esq., Capt. Simon Spalding, Maj[r] John Jenkins, Maj. J. Paul Schoots, Abel Pierce, Esq., Capt. Jn[o]. Bartel, Capt. Peter Loop, Junr., John Bay, Esq., Col. Ebenezer Gray, be and they are hereby appointed a Commission, and authorized with full power to ascertain by reference to the records of the Clerk of the Susq[a] Comp[y], and the records of the settlers at Wyoming, the names of the proprietors Claiming under Said purchase, that as soon as may be they make out a fair and complete list of the names of all the proprietors, and annex thereto the proprietor of land to which they are severally entitled.

That as soon as said list shall be Completed, it shall be entered at large on the records of the Commissioners, and shall be Considered as full and Complete evidence of the title of the Said proprietors.

That the said Commissioners shall thereupon make a scrutiny of Every person Settled upon said lands, and that such settlers as shall appear to have been proprietors, heirs or assigns of proprietors, shall immediately procure the locations to be surveyed and ascertained, which after being approved by said Commissioners, shall be recorded as parcel of their proprietary right.

That whenever it shall appear that any Settler or proprietor, has made a location by permission, and under authority from any proprietor, or the Company, the quantity of land located, shall be Surveyed as aforesaid, and if approved by said Commissioners, shall be recorded and Considered as parcel of the right of said original proprietor, unless otherwise provided by the votes of this Company.

That Said Commissioners be and they are hereby directed, to ascertain, locate, and Survey to each and Every person, who has in Consequence of any former grant or vote of said Susq[a] Comp[y], gone on, and Settled on Said lands, the amount of his grant which being recorded, shall vest a full and Complete title thereto in favor of Such person.

That said Commissioners be also directed and Empowered to locate and Survey in favor of such persons as they shall judge proper, who shall actually Settle and occupy Said lands by themselves, their heirs or assigns, not Exceeding 200 acres on

any proprietors' right who has either by himself or by some other person under him Settled and removed on Said lands which survey and location being recorded Shall vest a Complete title in such Settlers, and shall be Considered as parcel of such proprietors' right.

That said Commissioners shall locate and survey all such grants as they may make in favor of any new Settler on said lands in such towns as have been already granted, as far as vacant lands Can be found for that purpose, or on such gores of land as remain ungranted between said towns; provided, that nothing herein shall be Construed to affect the title of any actual settler in Such town. Said Commissioners are to take special Care that the property of Widows and Orphans be in no instance infringed.

That the said Commissioners shall as soon as may be Convene together and appoint some particular place for their holding their Court and they shall in no instance hold their Court in any other place than that first agreed upon unless it shall not be convenient to meet at such place, in which Case it shall be in their power to adjourn to any other place and they shall appoint Some proper person for their Secretary, who shall keep fair and Accurate records of all their proceedings and determinations.

That said Commissioners be and they are hereby authorized to make locations and surveys in favor of any Settler or proprietor on any of the broken or mountainous lands lying within five miles of the river not Convenient to lay out townships five miles square, and annex the same to such townships as they shall judge proper, provided, That such location shall in no instance Exceed 600 acres to the proprietor of a full right, or in proportion to a proprietor of a less quantity than a full right, including any location heretofore made by such proprietor, or any person under him, and also including such locations as may be by the said Commissioners made in favor of any settler on his proprietary right.

And said Commissioners are hereby authorized to grant new townships agreeable to the former votes of this Compy, and the powers heretofore granted to any Committee for that purpose are hereby declared to cease and determine.

And said Commissioners are hereby authorized to enquire into the particular Circumstances of any location, and settlements, that have been made Contrary to the former regulations of this Compy, and Confirm or disallow the Same as they shall judge most Conducive to the interests of this Compy; and it is hereby ordered that no location which may hereafter be made, Contrary to the regulations Contained in this Act, shall in any instance be admitted or Confirmed.

That any three of the said Committee, together with their Secretary, shall be a quorum to transact any of the business aforesaid.

That the Expense of locating, surveying, and determining all matters aforesaid shall be paid by persons in whose favor such locating, &c., shall be made or done, and that said Court of Commissioners shall in no instance exact or receive unreasonable or exorbitant fees.

That any five of the said Commissioners, with their Secretary, shall be a Court with power to hear and finally determine, all Controversies between Actual occupants, respecting the title of lands, and to award equitable Costs in the usual form of trials at law; this power to determine, whenever a form of internal government shall be estalished in that Country.

Resolved likewise, that the Commissioners aforesaid, or a majority of them, be and they are hereby fully authorized and empowered to do, and transact any other matters and things which they May judge necessary for the security and protection of the Settlers on said lands, and for the benefit of the Compy of Proprietors, hereby ratifying and Confirming whatever said Commissioners may do in the premises.

That no new settler be entered in the town of Claverack, by the Court of Commissioners, until after the first day of May next.

Whereas, Nathaniel Wales, Junr., late of Windham, Esq., formerly a Committee of this Compy, and had their monies in his hands, and has since deceased, leaving his accounts with the said Compy unsettled.

Voted, that Col. Ebenezer Gray be appointed a Committee, to adjust and settle the accounts of the Compy with the Executrix of said Wales, and receive the balance if any there be, and account therefor with the Treasurer of this Compy.

Voted, that each person that was Considered by this Compy as a sufferer, and was Compensated therefor in a township at Muncy Creek, which is now possessed under Penna, be admitted by the Court of Commissioners, to take an equal quantity of land in any township to be laid out in lieu of said grant upon said Muncy Creek, provided he settle the same the next Summer or season.

Test Joel Barlow, Clerk, pro tem.

* * *

Liber C. p. 199.

Proceedings and resolutions of Connecticut Susqa Compy at their meeting held at Athens,

Feb. 18, 1795.

Notification.

The proprietors of the Connecticut Susqa Compy are notified that a meeting of said pro-

prietors will be held at the dwelling house of James Irwin in Athens, on Tioga Point, and County of Luzerne, on Wednesday the 18th day of February next at 10 o'clock A. M., of the same day, on business of importance to the Compy.

Dated this 26th day of December, 1794.

The printers in the States of Massachusetts, Rhode Island, Connecticut and New York, are requested to publish the above as a matter of public Concern for the benefit of their Customers.

JOHN FRANKLIN, SIMON SPAULDING,
PETER LOOP, JOHN JENKINS, Commissioners.

Feb. 18, 1795. Preamble.

Agreeably to the above notification published in Conformity to the rule of the Connecticut Susqa Compy, 1200 proprietors of said Compy, being a large Majority, Convened on the 18th day of February instant, at the dwelling house of Mr. James Irwin, in the township of Athens, County of Luzerne, and State of Pennsylvania, Inn keeper; and having elected Elisha Hyde, Moderator, and David Paine, Clerk, of said meeting, and having heard read a Charter of Charles the Second, late King of Great Britain, &c., bearing date 11th of April, 1662. granting to the inhabitants of Connecticut all the lands, &c., lying and being in New England, Butted and bounded on the North by Massachusetts Plantations, on the east by Narragansett Bay, on the South by the Sound, and in Longitude of, and within all the breadth aforesaid throughout the mainland to the South sea on the west part, together with the privileges, &c., and also sundry Statutes, acts, deeds, and other documents, granting and Confirming the Claim and title of Certain lands to said Compy, described and bounded as follows: Beginning from the one and fortieth degree of North Latitude, and ten miles east distant from the Susqa River, and thence with a Northerly line ten miles east of the river, to the forty-second degree, or the beginning of the forty-third degree of North Latitude, and to Extend west two degrees of Longitude 120 miles, and from thence South to the beginning of the forty-second degree, and from thence east to the aforementioned bounds, which is ten miles east of the Susquehanna, together with the proceedings, resolutions, rules, and regulations of former meetings respecting the same.

Adjourned until the 20th instant at 9 o'clock in the morning, to meet at the same place.

On the 20th of February instant at 9 o'clock in the morning the meeting opened, made some rules and regulations and passed the following Resolutions, to-wit:

This meeting entertaining a high sense of the importance of order and good government, will use their utmost endeavors to prevent any ill-disposed persons, without due authority, unlawfuly intruding upon, surveying or attempting seige, and settle any of the aforesaid lands, will assist in preserving the public peace, afford a just protection to the property of the real owners, and such settlers as enter on the same land peacably in due Course of law and under real proprietors thereof, being fully determined in a Constitutional and legal manner only, to maintain and defend the title and Claim which the aforesaid Comp^{y} have to the aforesaid lands, and also to recover such parts thereof as are possessed in opposition thereto.

Resolved, that the following persons, to wit:

Standing Committee.

Col. John Franklin, Col. Zebulon Butler, Gen. Simeon Spalding, Col. John Jenkins and Major Elisha Satterlee, of the County of Luzerne and State of Penn^{a}; Timothy Edwards of Stockbridge, County of Berkshire, commonwealth of Massachusetts, Esquire; Doc. Joseph Hamilton of the City of Hudson, in the County of Columbia, and State of New York; Peter Loop, Junr., of New Town, County of Tioga and State of New York, and William Judd of Farmington, County of Hartford, and State of Connecticut, Esquire, be Commissioners of said Comp^{y} and that each proprietor of said Comp^{y} exhibit his claim to one of the aforesaid Commissioners, on or before the first day of March, 1796, or the same will be Considered forfeit.

Proprietors to Exhibit claims prior to March, 1796 or forfeit.

That each full share be entitled to two thousand acres of land, and that Eight full shares be a sufficient number to Cover a whole township of 5 miles square, and in the same proportion as to any other shares; That when any part of a share hath been already laid out, that shall be deducted from the said two thousand acres to be laid out, and the deficiency made up with part of another share.

Commissioners to ascertain the names of Proprietors.

That any three of the aforesaid Commissioners residing on the aforesaid lands, be empowered to ascertain, examine, adjudge and determine, by reference to the Records of the Clerk of the Susq^{a} Comp^{y}, or any other records, the names of proprietors Claiming under said Company.

Commissioners Empowered to make a list of names.

That they make out a Complete list of the names of the proprietors, and annex thereto the proportion of land to which they are severally entitled at large, on the Records of said Company.

Commissioners Empowered to make grants.

That any three Commissioners residing as aforesaid shall be and are hereby authorized

and empowered on the application of Eight proprietors to grant new townships of land equal to five miles square of any of the unappropriated lands of said Compy, and also to make grants of any quantity of land not already granted, situated between any of the townships heretofore granted, although the same lands are not Equal to five miles square.

Condition of grants given to less number than 8 proprietors.

That whenever the said Commissioners shall make any grants of any township, on the application of any number of proprietors holding less than Eight full Shares, the townships so granted shall be divided into Sixteen Equal parts, as to quantity and quality and the variant rights shall be Subject to be filled up by any other applicants, being proprietors.

Commissioners Empowered to Compensate persons employed in the Company's service.

That the Commissioners, or any three of them, residing as aforesaid, be empowered, and are hereby authorized to fix on a proper Compensation for the Surveyor of the Compy, or any other officer or officers, person or persons, acting as agent or agents, or who are or have been employed in the Service of said Compy, and a Certificate of said Commissioners shall entitle said Surveyor or any other persons as above mentioned to receive of the Treasurer of said Compy the sum Certified under the hands of said Commissioners.

Commissioners to compensate sufferers.

That any three of said Commissioners residing as aforesaid, are hereby authorized and empowered to Examine into any Claim or Claims, of any person or persons, for any service, suffering or losses, which he or they may have performed, suffered or sustained, in Consequence of their attachment to the said Compy; and to make such equitable allowance in the lands of Said Compy as they shall judge reasonable.

Survey to be approved by the surveyor.

That previous to the issuing of any grant as aforesaid the survey of the land to be granted, shall be approbated by the Surveyor of said Company.

Commissioners' clerk Empowered to issue certificates.

That any three of the Commissioners residing as aforesaid, be authorized to ascertain and examine how many whole or half share rights of the six hundred ordered to be issued on the 13 of July, 1785, have been issued, and that such number as have not been issued may be issued, under the direction of any three of the Committee residing as aforesaid, by the Clerk of said Commissioners, and disposed of by him for the same uses and purposes, for which said Certificates were directed to be disposed, by the votes of said Compy.

That a tract of land not exceeding four towns of sixteen

Land for particular uses.

thousand acres each, be invested in the hands of three Commissioners residing as aforesaid for the use and benefit of said Compᵉ; to be disposed of at the discretion of Said Commissioners.

Common seal to be procured.

That the Commissioners procure a Common Seal for said Company, to be kept in the office of Said Compᵉ and that every grant of land made after the first day of June next, be sealed with the Said seal.

Old Commissions to cease.

That all the authority heretofore vested in any Commissions, is hereby declared to Cease and determine as to any future transactions, and the above-named Commissioners are hereby vested with the same power respecting any matters not herein particularly specified.

Clerk.

Resolved, that Col. John Franklin be the Clerk and David Paine be the assistant Clerk of this Compᵉ.

Treasurer.

That Col. John Franklin be the Treas. of this Compᵉ.

Agents and their duties.

That Col. John Franklin and Col. John Jenkins be agents for this Compᵉ to attend on any actions commenced, or which shall hereafter be commenced, against any person or persons in possession of any of the lands Claimed under the Susquehanna Company aforesaid, Wherever the interests of the Company are Concerned.

Surveyor and his duty.

That Col. John Jenkins be the Surveyor of this Compᵉ, and his duty shall be to Superintend all Surveys and locations that shall be made in the Susqᵃ purchase, and also to make an actual Survey or otherwise ascertain the exact boundaries of all grants heretofore given by or under said Compᵉ, and make a general plan of said purchase; and the said surveyor is hereby authorized to depute as many Surveyors who shall be deemed and accepted as deputies, as he shall deem necessary.

Agents for ascertaining the Eastern bounds.

Resolved, that Col. John Jenkins, Mr. Samˡ Gordon and Capt. Elisha Matthewson, be agents in behalf of this Compᵉ, to meet such agents as may be appointed by the Delaware and Lackawack Companies, to ascertain and fix the boundaries between the respective purchases, and their decision shall be final.

Committee for settling accounts.

Resolved, that Col. John McKinstry, Col. Stephen Hogeboom, Gen. Simon Spalding, Elisha Hyde, Esq., and Doctor Elisha Ely, or either of them, be a Committee to Call upon and Settle with any former Committees and Treasurer of said Company, and report a Statement of the amount to the new Treasurer with all Convenient Speed.

Eight Settlers to be in a township.

Resolved, that Eight Settlers be on each Sixteen thousand Acres, and the same proportion for any less quantity herein After to be granted, within two years from the issuing of the grant.

Meetings when to be warned.

Resolved, that on the application of twenty-four proprietors to the Clerk of Said Company, requesting a Meeting of said Comp^{y}, the said Clerk shall publish Notification of the time and place, when and where a meeting shall be held, which notification shall be published at least six weeks in two of the Newspapers of the State of Connecticut, and one newspaper in each of the States of Rhode Island, New York, Pennsylvania and Massachusetts, which Shall be deemed a legal notice.

Resolved, that the three Commissioners residing as aforesaid, be authorized to make such arrangements relative to grants heretofore given, where a greater number of Certificates have been filed for obtaining said grants than are at present required, as the said Commissioners shall deem Expedient.

Respecting old grants.

Taxes.

Resolved, that the taxes on each share be paid to the Treasurer or Commissioners previous to the issuing of any grant on said share.

Commissioners empowered to appoint officers.

Resolved, that in Case of death, inability or absence of any of the officers, hereinbefore mentioned, any three of the Commissioners residing as aforesaid, be authorized to appoint such officers for the time being, until the meeting, in his stead.

Adjourned.

Resolved, that this meeting be adjourned until the first Monday in June, 1796, then to meet at the house of Mr. James Irwin, in the town of Athens, on Tioga Point at 10 o'clock A. M.

Elisha Hyde, Moderator.

Attest, David Paine, Clerk of the meeting.

The foregoing proceedings, resolves, &c., beginning at page 399 of this Book and Continuing to this page are truly recorded.

Teste, David Paine, Assist. Clerk.

Susq'a Company Records. Liber E. p. 222.

On Monday the 6th of June, 1796, at 10 o'clock A. M. The proprietors of the Susq^{a} Comp^{y} met at the house of James Irwin on Tioga Point, agreeable to adjournment, and having elected Elisha Pitkin, Moderator, and heard read the proceedings and resolutions of the last meeting, adjourned until Thursday next, to meet at the house of Elisha Matthewson, in this town, at 9 o'clock A. M.

On Thursday at 9 o'clock A. M. the meeting opened and passed the following Resolution, to wit:

Resolved, that Chester Bingham of Ulster, County of Luzerne, Commonwealth of Penn^{a}, be an acting Commissioner in the room of Zebulon Butler, late deceased.

That the resolve passed the 18th of February, 1795, empowering the Commissioners to fill up townships agreeable to the former resolutions of the Susq^{a} Comp^{y} with twenty-five proprietors rights be suspended, until the rising of the next adjourned meeting of this Comp^{y}.

That the resolutions of February, 1795, do not Exclude proprietors from bringing forward their Shares or proprietors' rights for location whose shares were previously entered in the Records of said Comp^{y}.

That the powers of the Commissioners respecting the appointment of officers be Continued until the next adjourned meeting.

Resolved, that this meeting be adjourned until the Second Tuesday in September next, then to meet at the house of Elisha Matthewson on Tioga Point, at 9 o'clock A. M.

Elisha Pitkin, Moderator.
David Paine, Clerk.

The foregoing Resolves are truly recorded
Attest, David Paine, Clerk.

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Susqa Comp^{y}'s. Records, Liber E, Page 390.

On Tuesday the 13th of September, 1796, at 9 o'clock A. M., the proprietors of the Susq^{a} Comp^{y} met at the house of Elisha Matthewson on Tioga Point agreeable to adjournment, and Elected Simon Spalding, Esq., Moderator, read the proceedings and resolutions of the last meeting and

Voted, that Col. John Franklin, Col. Matthew Scott, Col. John Jenkins, Gen. Simon Spalding and Isaac Tripp, Esq., be a Committee to prepare and make report of the business necessary to be done at this meeting.

Adjourned until 9 o'clock to-morrow morning.

Wednesday, 9 o'clock A. M.

Committee reported and the following resolves were passed.

Resolved, that this Comp^{y} will in every legal and Constitutional way, support their Claim and title to the lands included in their purchase made of the Natives the 11th of July, 1754.

That the Treasurer of this Comp^{y} be, and he is hereby au-

thorized and directed to take such legal measures as he shall judge most Expedient, to Collect all moneys due by bonds, notes, or otherwise for arrearages of taxes heretofore granted by this Compᵉ for the rights heretofore sold for the use of said Company.

That four townships, five miles square each, in addition to the four townships voted in the hands of the Commissioners by this Compʸ at their meeting held the 18th of February, 1795, be vested in any three of the Commissioners residing on the Susqᵃ purchase, to be disposed of by them, if they judge Expedient, and the money arising therefrom to be paid into the Treasury, to be appropriated in defending the Claim of this Company to the lands aforesaid.

And whereas, at the meeting of this Compʸ aforesaid, the Commissioners were authorized to dispose of the residue of the 600 rights ordered to be vested in the Said Commissioners at a meeting of this Compʸ at Hartford, July 13, 1785; and it appears that said rights have not been disposed of, it is now

Resolved, that the Treasurer of this Compᵉ be authorized to dispose of said rights agreeable to the former votes, or So many of them, as the Commissioners shall judge necessary, the monies to be used for the benefit of this Compᵉ, the Commissioners and Treasurer to account with the Company.

That no forfeiture of any township shall take place, which towns have been filled up with the rights agreeable to the rules of this Compʸ, and have been legally granted since the 18th of February, 1798, on account of Such township not being settled, agreeable to the former Resolves of this Company.

That all grants of lands in the purchase aforesaid, issued after this meeting, shall be recorded before they shall be Considered as valid to the grants, and all grants heretofore issued which have not been recorded, shall be entered on the Records of this Company by the 1st day of May, 1797; or otherwise the Same lands may be taken up by other proprietors.

That in case of death, absence, resignation, inability, or refusal to serve, of the Clerk, Treasurer, Surveyor, or any other officer of this Compᵉ, any three of the Commissioners aforesaid are authorized and empowered to fill such vacancies, or to appoint an assistant Clerk if necessary, until the next Meeting of this Company.

That the resolution of this Company of the 18th of February, 1795, requiring the claims of the proprietors to be Exhibited by the 1st day of March, 1796, be extended to the 1st day of October, 1797.

Adjourned without day.

[The records of this meeting not signed or attested.]

Minutes of two meetings of the Susq[a] Company held at Athens, Bradford County, Pennsylvania.

Proceedings and regulations of the Susq[a] Comp[y] at their meeting held at Athens the 20[th] of Oct., 1801.

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Susquehanna Company.

Notification.

The proprietors of the Connecticut Susq[a] Comp[y] are notified that a meeting of said proprietors wi[l]l be held at the dwelling house of Stephen Tuttle, Junr., in Athens, on Tioga Point, on Tuesday, the 20[th] day of October next, at —— of the clock A. M., of the same day, on business of importance to the Company. Dated at Athens the —— day of Aug., 1801.

John Franklin, Clerk.

The proprietors of the States of Massachusetts, Rhode-Island, Connecticut and New York, are requested to publish the above for the benefit of their Customers.

Agreeably to the foregoing Notification, a number of the proprietors met at the time and place above Specified.

Sam[l] Gray, Esq., Chosen Moderator. John Franklin, Clerk.

Notice having been given that the meeting would be adjourned to accommodate the proprietors in Luzerne, Accordingly adjourned until Thursday the 22[d] instant at 10 o'clock A. M., to meet at the Same place.

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Thursday, October 22[d]. Met pursuant to adjournment, and resolved that a Committee be appointed to arrange and prepare business necessary to be acted upon, and make report at this meeting.

Messrs. Sam[l] Avery, Benj. Bostwick, John Franklin, John Jenkins, Daniel Brown, Job Turrell, Ezekial Hyde, Ebenezer Beeman, John Spalding, Samuel Baldwin and Joseph Kingsbury were accordingly appointed for that purpose.

Adjourned until tomorrow at 2 oclock P. M., Friday, October 23[d].

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The Company met pursuant to adjournment. The Committee appointed yesterday made report, which was read, when the following resolutions were agreed to and passed, to wit:

This meeting taking into Consideration the situation of their Claim, the large Sums of Money Expended in purchasing the right of Soil, Settling and defending the same, do

Resolve, that although the Court Constituted in Conformity to the Confederation of the United States, to determine the right of jurisdiction between the States of Penn[a] and Connecticut, did pass a decree in favor of Penn[a] respecting the jurisdiction, &c., so far as respected the Controversy then subsisting between the Contending States; yet the authority of that Court did not Extend to decide the private property in the Soil, and that the Committee who Composed the Court were unanimously of opinion, that the decision was not to reach the question of property in the Soil; "That the right of soil as Claimed under Connecticut should be held Sacred;" although this Comp[y] have full faith and Confidence in the justice and equity of their Claim, that their title to these lands was first derived from a Source that never ought to have been questioned, and that the same has been defended through a long and Cruel War, at a vast Expense of the blood and treasure of the inhabitants; yet this meeting, taking into their serious Consideration the necessity of living in friendship, and harmony, and peace, with the Citizens of the United States, and particularly with the Citizens of the Commonwealth of Penn[a]; of which the Settlers under the Connecticut title are a part; and whereas many of our fellow Citizens Claim the same land under a different title, adverse from the Claim of this Comp[y], and their Settlers, that in Consequence of those Contested Claims, Controversy has many years subsisted, which has not only occasioned a pecuniary loss but the shedding of blood; that having an ardent desire to put end to a Controversy of so long duration, to prevent litigation, and to Cultivate peace and harmony with our fellow Citizens, are disposed to meet our adverse Claimants, and to endeavor to bring into Effect a reconciliation of the Controversy, by an amicable Compromise, and it having been Expressed to this meeting that the Pennsylvania Claimants on their part, are disposed to offer and effect a settlement by Compromise—therefore,

Resolved, that five be appointed a Committee and empowered (any three of whom to be a quorum) to treat with Committees or agents that now are, or hereafter may be appointed, and properly authorized by and in behalf of the Penn[a] land Claimants, and to receive and make propositions in behalf of this Comp[y], to reconcile the Controversy between the Contending parties, respecting the Contested Claim, by an amicable Compromise.

Resolved, that Messrs. John Franklin, Sam[l] Avery, John Jenkins, Ezekiel Hyde, and Sam[l] Baldwin be and they are hereby appointed a Committee in behalf of this Comp[y], to Carry the foregoing resolves into Execution.

Resolved, that Messrs. Joseph Kenney, Benj. Bostwick, Dan[l] Brown, Noah Murray, Joseph Kingsbury, Elisha Satterlee, John Pierce, Ebenezer Beeman and John Spalding, be and they are hereby appointed a standing Committee of this Company (a majority of whom to be a quorum) to Exercise all Such powers as may be delegated to them by this or any other further meeting of this Comp[y], and particularly to draft and give instructions to the aforesaid Committee, relative to a Compromise with the adverse Claimants, the Committee to have particular regard to the interest of the proprietors and settlers under this Company.

Resolved, that in Case the Committee aforesaid should be unsuccessful in an attempt to effect a Compromise, this Comp[y] hereby pledge their faith to each other their interest in proportion to the property they Claim in said lands, if necessary, they will unite, and by all legal means to the utmost of their power, will maintain, Support, and defend their Claim and right of soil to the land and possession lying within the limits of their purchase made of the Indian natives, and ratified and approved by the Legislature of Connecticut, antecedent to the settlement of the jurisdiction between that State and the Commonwealth of Penn[a], and that they will aid, assist, and defend the settlers on said land, holding and possessing the same under the aforesaid title, derived from Connecticut, against the adverse Claimants in all Cases where the title of lands claimed under grants of different States is Concerned or Called in question, and that the agents of this Comp[y], in addition to the powers and authority heretofore given them, be and they are hereby authorized and empowered (if they deem it expedient) to apply to Congress in behalf of the proprietors and Settlers, for such redress as may be Conducive to the general interest of this Comp[y], and which by the Constitution of the United States we may be entitled to, and the Committee of this Company, be and they are hereby empowered (if they judge it necessary) to appoint and empower a special agent to attend Congress in behalf of this Comp[y], and to do and perform all things proper and lawful for an agent to do to obtain redress.

— —

Meeting of Connecticut Claimants at Wyalusing.

At a meeting of delegates from a number of townships in the County of Luzerne, holden at the house of Peter Stevens, in Springfield, May 22, 1801, to Consult and advise on the most safe, prudent, legal and Constitutional method of defense

against any suits that are now pending, or may hereafter be brought against any settler, or settlers, under the Connecticut title.

Daniel Kinne was Chosen Chairman, Sam[l] Baldwin, Clerk.

Whereas, the Constitution of the United States provides that the Judicial authority shall extend to Controversies between Citizens of the Same State, Claiming lands under grants from different States.

And whereas, by the laws of the United States, it is provided, that in actions Commenced in a State Court, the title of land being Concerned, and the parties are Citizens of the same State, and the matter in dispute exceeds the sum of Five hundred dollars, &c., if Either party before the trial shall state to the Court and make affidavit (if the Court requests) that he Claims and shall rely upon a right or title to the lands under grant, from a state other than that in which the trial is pending, &c., and shall move that the adverse party shall inform the Court, whether he claims a right or title to the land under a grant from the state in which the suit is pending, the said adverse party shall give such information, or be debarred from pleading such grant, or giving it in evidence upon the trial, and if he inform. * * *

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AN EXAMINATION

OF THE

CONNECTICUT CLAIM

TO

LANDS IN PENNSYLVANIA.

1774.

[The following important document, written, it is stated, mainly by Rev. William Smith, D. D., Provost of the University of Pennsylvania in 1774. It so admirably refutes the claim of Connecticut and withal is so important a paper in the Wyoming controversy, that we here give it in full.]

AN EXAMINATION OF THE CONNECTICUT CLAIM TO LANDS IN PENNSYLVANIA.

The Notion of extending the Claim of the Colony of Connecticut to Lands Westward as far as the South Sea, thereby including a considerable Part of the Royal Grant of Pennsylvania made to WILLIAM PENN, Esq; as well as of the western Crown Lands yet ungranted, seems to have been first started about twenty Years ago, by a certain Schemer: and has since generally treated as the wild Chimera of a visionary Brain. In this Light it would deserve still to be considered, if it was not render'd more serious by a late Resolve of the Connecticut Assembly to support that Claim—a Resolve which, after long declining to interfere in the Matter, seems at last to have been obtained from them with much Difficulty, in the Strength of some late Law-Opinions from England.

It is porposed therefore, in the following Sheets, without calling in Question the great and acknowleged Abilities of the Gentlemen who have signed those Opinions, to examine the State of the Case laid before them. Previous to which it will be proper.

1st. To take some Notice of the different American Grants, and particularly those of New England.

2dly. To enquire under what Circumstances the Settlement of Connecticut was made, and its present Charter obtained.

3dly. What is the true Construction of the Charter Limits of that Colony, what has been their own Construction of them, and the Construction made by the Crown, as well as by their neighbouring Colonies, for more than a Hundred Years?

Some incidental Remarks will be interspersed, and on the whole it will be submitted whether their Charter at first could, and much less after the Acquiescence of near a whole Century, it now can, be extended in the Sense they claim, thereby vacating other intermediate Crown Grants, and numerous Settlements of Boundaries since made by the Royal Authority? And lastly, whether on this full and true State of the Case, those learned Gentlemen in England would have given the same Opinions, or indeed any Sanction to the Connecticut Assembly for voting their Support to a Set of Men, who, in a lawless and

hostile Manner, have invaded this Province, and dispossessed many of its peaceable Inhabitants, settled at least a hundred Miles within its known Bounds?

Section I.

The Crown of England acquired a Title to North America by Discovery; and the first Grant was Letters-Patent by Queen Elizabeth dated June 11th, 1578, to Sir Humphry Gilbert, Knt. "for the inhabiting and "planting of our People in America." The next was to Sir Walter Raleigh half Brother to Sir Humphrey, March 25th. 1584, entitled "Letters-Patents by "Queen's Majesty to Mr. Walter Raleigh, now Knight, for the "discovering and planting of new Lands and Countries, to "continue the Space and Time of six Years, and no more."

Hackluyt. p. 677 Fol. Edit. printed in 1589.

Ibid. p. 725.

Other Grants followed, but they seem all to have been considered as void by James I. who on the 10th of April, 1606, erected two several Colonies, granting to Sir Thomas Gates and others, by the Name of the 1st Colony, Leave to plant any where between 34° and 41°, in North-America, then generally called Virginia; and 2dly, to Thomas Hanham, Esq; and others, by the Name of the 2d Colony, the like Leave to plant any where between 38° and 45° North Latitude. Each of these Colonies were to be limited to one hundred Miles Square, viz. fifty Miles on each Side of their first Plantation along the Sea Coast, and one hundred Miles back into the Country, "directly over against the Sea Coast."

Patent for South and North Virginia, 1606.

"Such of the said Colonies as should last plant themselves, "was not to come within one hundred Miles of the Colony that "should first plant, nor might plant on the back of them "without express Licence."

May 23d, 1609, King James gave a 2d Charter, to the first Colony, or South Virginia Company, with 400 * Miles of Sea Coast; which he further confirms by a third Charter, March 12th, 1611-12, granting them further all the Islands within 300 Leagues of their Sea Coasts, which are described to lie "within "and between the 41st and 30th Deg. of North Lat." extending 5° still farther South, but always including the 41st Degree. Both these Charters are with this Proviso, that "the said Is-"lands or any of the Premises, were not actually "possessed or inhabited by any other Christian

2d South Virginia Patent. May 23d 1609.

Mar. 12th 1612. 3d Patent.

From the public Records of Virginia. Smith's Hist.

*This would have been nearly six Degrees of Latitude, if the Coast had been directly North and South.

"Prince or State, nor within the Northern Colony heretofore "by us granted to be planted by divers of our loving Subjects "in North Virginia" These Grants were also to extend "up "into the Land throughout from Sea to Sea, West and North-West;" and under them South Virginia (now Virginia proper) was settled and governed till 1626, when the Company was dissolved, and the Country erected into a Royal Government.

Col. Beverley's Hist. of Virg.

The North Virginia Company had no new or distinct Grant from 1606 till 1620, nor made any Attempt to settle, except a very feeble one at Sagahedoc in 1607, which was deserted the following Spring all who survived the Winter having returned to England. Even as late as 1618, when South Virginia began to make some Figure, Captain Argal its Governor, coming on a Cruize to the Coast of North Virginia, now New-England, found a French Settlement and Fort a little North of Cape Cod, and near the very Place where the first Settlers of New-England landed and began their Colony two Years afterwards. Captain Argal destroyed this Fort, broke up the French Settlement and obliged them to surrender their Charter.

Ibid.

Indeed the planting Colonies seems not, for a long Time, to have been even in Contemplation among the North Virginia Company, but the only Establishment of little Factories, like those of other trading Companies, for Traffic with the Indians and managing Fisheries on the Coast. This was long since observed by Richard Blome, who in 1687 published, and dedicated to King James IId an account of the English Territories in America. No greater Improvement, says he, speaking of the North Virginia Grant, "was made of those grand Portions of Land, than the erecting "a few Cottages for Fishermen." And a judicious Historian of our own time observes, that if "Religion had not become at "last the Inducement, it is doubtful whether Britain would "have had any Colonies in America at this Day. One hundred "and twenty Years had passed since the Discovery of this "northern Continent by the Cabots, "without any English Col-"ony being planted there, except that of South Virginia, "which was then in its Infancy, struggling for Life."

Hutchinson

It was not till August, 1620, that the first real Planters of New England embark'd from Old England, consisting only of Part of a single Congregation. Their original Purpose was to settle near Hudson's River, which they rightly considered (if it had not been for the Pre-occupancy of the Dutch) as within the Grant to the South Virginia Company; from whom they accordingly procured some Right of Settlement. They did

not however proceed to Hudson's River, their Pilot, it is said, being bribed by the Dutch to carry them farther North; but it is as probable that, in their weak State, they did not even wish to be set ashore in a Part of the Country, where they would, on their first Landing, have to contend with a Power already in actual Possession.

This Emigration revived the Project of settling their Part of America among the North Virginia Company, who accordingly got a new Patent dated November 3d, 1620, incorporating them by the Name of the Council established at Plymouth, &c. "for the planting, &c. New-England in America"--This Council, as the Name implies, was rather a Board of Trustees, for parcelling out Lands to the King's Subjects, (which they were authorized and commanded to do) than real Proprietors of the Soil themselves.—And altho' they might transfer Lands within their Grant, they could not * transfer the Power of Government to any, nor constitute any subordinate Corporation.

1620. Patent to the Council of Plymouth.

As the Patent to the Council of Plymouth is the Foundation of other New-England Grants, it is necessary to give its express Limits, viz. :

"All that Part of America lying, and being in Breadth, from "40° North Lat. to 48° inclusively; and in Length of and within "all the Breadth aforesaid, throughout the main Lands from "Sea to Sea, provided any of the Premises were not then ac- "tually possessed, or inhabited, by any Christian Prince or State; "nor lay within the Bounds, Limits, or Territories of that "Southern Colony heretofore by us granted."

But the Dutch had then, and long before, actually possessed Hudson's River, and were now extending their Trade and Settlements as far East and North as Connecticut River; so that nothing could pass, by this Patent, West of that River, as has been urged in the Contest between New-York and New-England Colonies, and Determinations of Boundaries made on that Distinction. And if the Preoccupancy of the Dutch had not limited this Patent, the prior Grant to the Southern Colony, then in full Force, included the 40th and 41st Degrees; so that nothing of the Southward of the Beginning of the 42d Degree could pass by it, unless, that in Virtue of the Patent of 1606, which gave fifty Miles on the Sea on each Side of the first Settlement, the North-Virginia Company had made some Plantation on the Sea Coast, within less than fifty Miles North of the Completion of the 41st Degree, that is somewhere South of 41° 44′. But this is not pretended; the Attempt at

* This was admitted before the King in Council 100 Years ago. See Sir William Jones's State of the New Hampshire Dispute and Opinion in Hutchinson's History.

Sagahedoc, if that could be called a Settlement, being far North of this.

The first Grant by the Council of Plymouth was that of Massachusets Bay to Sir Henry Roswel and others, March 19, 1627: the Limits of which are material, as bounding one Side of the subsequent Connecticut Charter, viz.

First Bounds of the Massachusets Colony.

"All that Part of New-England in America "between a great River called Monomack, "alias Merimack, and a certain other River, there called "Charles River, being in the Bottom of a Bay called Massa-"chusets; with all, and singular, the Lands, &c. lying within "three English Miles on the South Part of the said Charles "River, or of any and every Part thereof: and all, and singu-"lar, the Lands, &c. lying within three English Miles to the "Northward of the said River called Merrimack, or to the "Northward of all and every Part thereof; and all Lands, &c. "lying within the Limits aforesaid, North and South in Lati-"tude, and in Breadth, and in Longitude of and within all the "Breadth aforesaid, throughout the main Lands there, from "the Atlantic and Western Sea and Ocean on the East Part, "to the South Sea on the West Part."

But as the Council of Plymouth could not constitute the said Sir Henry Roswel and his Associates a Body Corporate, nor convey to them the Powers of Government, they obtained from Charles I, a Royal Patent dated March 4th, 1628, for the Purposes aforesaid, as well as for the Confirmation of their Right in the Soil. This Patent is bounded and limited exactly as above, with the like Proviso as in the Patent to the Council of Plymouth itself; viz. of the Land or any Part thereof "not "being actually possessed by any other Christian Prince or "State."

Hutchinson.

The first Design of these Grants was, as hath been hinted, only to constitute Trading Companies, like that to the East-Indies. But, considerable Settlements being soon made within the Massachusetts Grant, it was resolved to transfer the Patent and Government to New-England. How far this was a legal Measure, need not now be enquired. It was certainly an useful one.

We come next to the Colony of Connecticut, with which we are more immediately concerned. The first Grant made of any Part of this District is said to have been to the Earl of Warwick, but from whom is not certain. Hutchinson, Vol. I. p. 64. in the Note, says only in general, that "he had obtained "a Grant of the Sea-Coast, from Narraganset River to the "South-West, forty Leagues, to keep the Breadth to the South-"Sea;" but does not say from whom the Grant was obtained.

However, in Vol. II. p. 203, he adds, that it "was obtained from "the Council of Plymouth in 1630." Neale says, he obtained 'it about the Year 1630 from Charles I."—Probably both may be right. The Council of Plymouth may have granted, and the Crown confirmed, as in the Case of Sir Henry Roswel's Grant; but neither of those Grants to Lord Warwick are to be found in America, nor could they long since be found in England; though some say the latter of them, viz. that from the Crown is to be found inrolled in the Petty Bag Office in England. Others still think that Lord Warwick, who conveyed his Right to Lord Say and Seal, Lord Brook, Pym, * Hampden and others, March 19, 1631, acted only as President, or one of the Members, of the Council of Plymouth, empowered so to do. But no Authority or Right, of this or any other Kind, is set forth in the Deed itself, by Lord Warwick.

Section II.

Sir Henry Vane the younger, and John Winthrop Son of John Winthrop, Esq; Governor of Massachusetts, were the first who are said to have been empowered to plant under this Grant to Lord Say and Seal, &c. Sir Henry came to Boston on this Project about the Year 1636; but, without beginning the Connecticut Settlement, soon returned to England, to act in a different Sphere. Others † however prosecuted the Design.

The first Set of Adventurers, who went out, were about 100 in Number, with Mr. Hooker at their Head. They push'd Westward till they came to Fresh-water (now Connecticut) River; and sat down at Hartford, where the Dutch had a Trading-

* These Men, who afterwards became so famous in England during the Civil Commotions, it seems then aspired no higher than for a Retirement in America.

† The most desirable Places in the Massachusets were now settled; and what would be strange to tell, (if any of the Obliquities of human Nature can be accounted strange) they who profess'd to have settled a Wilderness for Liberty of Conscience, in the short Space of 16 Years, forgetting their own Principles, refused Liberty to others, and began to fine, banish, and disfranchise those who dissented from, or questioned any of, their established Modes and Doctrines. Those who thought themselves persecuted, withdrew chiefly to Rhode Island, to be wholly out of the Massachusets Jurisdiction. Others who only wanted Lands, and some who disliked the immediate Scene of those religious Confusions, went to Connecticut River, about Hartford, &c. which they at first rather believed to be within, than without, the Massachusets Jurisdiction.

House, called Fort Good Hope, which had been erected about *13 Years before. But to quiet the Dutch, it was agreed that they should continue their Trade there as well among the English as the Indians; and in Return the Dutch allowed the English to trade at Manhadoes, now New-York. All this was friendly; and the Dutch seemed the less alarmed, as Connecticut River was their most easterly Settlement and generally considered as the Extent of New Netherlands on that Quarter, although sometimes they would claim as far as Cape Cod. But the next Year, viz. 1637, when Mr. Eaton led out another Company and settled, still more Westward and Southward, at New-Haven, the Dutch were alarmed, and charged the English with Encroachments, claiming (as the undoubted Right of the States-General, long held by the Name of New Netherlands) all the Sea Coast from Cape Henlopen on the West Side of Delaware Bay, to Connecticut River, and even to Cape Cod; and as far back into the Country as could be discovered, towards the Heads of all the Rivers that emptied into the Sea within those Limits.

Hutchinson.

These Disputes continued for several Years, while the two new Colonies of Hartford and New-Haven kept extending their Settlements, and each of them formed themselves into a Kind of voluntary Association for the Purposes of Government, chusing their respective Governors, and †uniting with Massachusetts and New-Plymouth for mutual Defence, &c. For though the Hartford Colony first had a Sort of Commission for Settlement and Government under the Massachusets, they soon understood themselves to be beyond their Jurisdiction, and New-Haven was still farther beyond it; and neither Colony had yet any better Title to their Lands than what Possession gave them.

*This Fort or trading Place was begun by the Dutch in 1623. Smith's Hist. of New-York. It was not till 1633, that the Massachusets sent John Oldham, &c. upon Discoveries Westward, "who travelled 100 "Miles, till they struck a great River which they afterwards found to "be Connecticut, or the Fresh-River;" and on this River they reported that they had found good Interval Lands, &c. Hutchinson.

It was with Reason, then, that the Dutch contended that they "were "actually possessed of Connecticut River, long before any other Euro-"peans knew of the Existence of such a River; and were not only "possess'd of the Mouth of it, but had discovered it 100 Miles up, had "their People trading there, and had purchased of the Natives al-"most all the Lands on both Sides of the said River."—Report of the Committee of Council, to the Governor of New-York. Smith's Hist.

†See the Articles of Union and Confederacy entered into by Massachusets, Plymouth, Connecticut and New-Haven, in 1643. Neale, Vol. I. p. 223. 2d. Edit.

The Dutch were not passive under those Encroachments, but set up the Arms of the States-General in different Places to assert their Right; and in 1642, the Connecticut People having overspread Long Island as far as Oysterbay, Kieft, the Dutch Governor, broke up their Settlements.

These Disputes occasioned the Colonies of New-Haven and Connecticut to send Deputies to the Dutch Governor, at New-Amsterdam (New-York) to treat about Boundaries. The Dutch offer to let the English continue at Hartford on the Payment of a certain * Rent for the Land. But this was not complied with; and the English trusting to their superior Strength, still kept extending their possessions till in 1650, a final Settlement of Boundaries was made at Hartford; the Account of which is as follows, and ought to be attended to as a very material Transaction:

Four Delegates, Willet and Baxter on the Part of the Dutch, Bradstreet and Prince on the Part of the united Colonies, met at Hartford as Arbitrators of the Dispute about Bounds and Limits; before whom, says the Author of the Susquehanna Case, "Peter Stuyvesant, Esq; Governor of the Dutch New "Netherlands, came personally and continued the Claims his "Superiors, their High Mightinesses of the united Provinces "and the Right Honorable the West-India Company had to the "Lands in Question, (viz. the Connecticut Lands, Long Island, "&c.) of which he desired a full Surrender and Satisfaction, "according to the Quality of the Case."—

The Arbitrators or Delegates agreed and determined thus, viz.

1st. "That the Bounds upon Long-Island be, &c. [this is not "material to the present Question.]

2dly. "The Bounds upon the Main, to begin upon the West "Side of Greenwich Bay, being about four Miles from Stam-"ford, and so to run a northerly Line twenty Miles up into the "Country; and after as it shall be agreed between the two "Governments of New-Haven and the Dutch—provided the "said Line come not within ten Miles of Hudson's River—The "Dutch shall not any Time hereafter build any House or Habi-"tation within six Miles of the said Line—The Inhabitants of "Greenwich to remain (till further Consideration thereof be "had) under the Government of the Dutch."

3dly. "The Dutch shall enjoy all the Lands at Hartford that "they are actually possess'd of, known, or set out by certain "Bounds; and all the Remainder of the said Lands, on both "Sides of Connecticut River, be and remain to the English "there."

* Pro Agro Nostro Hartfordiensi annuo persolvent Decimam Partem Reventus Agrorum, &c. SMITH'S History of New-York.

"The aforesaid Bounds and Limits, both upon the Island "and upon the Main, shall be observed and kept inviolable, "both by the English of the united Colonies, and all the Dutch "Nation without any Encroachment and Molestation, until a "full Determination be agreed upon in Europe, by mutual "Consent of the two States of England and Holland."

This Determination bore hard upon the Dutch Rights, and it is evident that they submitted to it only out of Necessity, as the English were then become able to take the whole Country from them. This further appears by a letter of the Dutch West-India Company, to Governor Stuyvesant of 24 Dec. 1660; in which they say that "they were not inclined to stand by "the Treaty at Hartford, and proposed to sue for redress on "Long-Island and the Fresh-Water (Connecticut) River, by "means of the States Ambassador."—

With the above agreement respecting Limits in full Force between the English and Dutch, and the latter still in actual Possession of New Netherlands; Mr. Winthrop solicited and obtained the present Connecticut Charter, dated 23d April, 1662, the Limits of which, are in the following confused, defective and unintelligible Words:

"All that Part of New-England in America, bounden on the "East by Narraganset River, commonly called Narraganset "Bay, where the said River falleth into the Sea; and on the "North by the Line of the Massachusets Plantation, and on the "South by the Sea; and in Longitude as the Line of the Mas-"sachusets Colony running from East to West—that is to say, "from the said Narraganset Bay on the East, to the South Sea "on the West Part."

And the Author of the Susquehannah Case allows the same saving to be intended in this Charter, as in the grand Plymouth Charter, and the other derivative Grants under it; viz. that the "granted Premises, or any Part thereof, be not "then actually possessed or inhabited by any other Christian Prince or State"

Thus, for twenty-six Years the Connecticut Settlers had continued without any Charter, and, for a considerable Time also, without any Sort of Title to their Lands. It will be proper, then, to enquire what Extent of Title they had acquired, or set forth to the Crown, at the Time of passing the Charter; because that will better enable us to determine what Tract or Space of Country their Charter might be designed to cover.

In 1635, as has been hinted, John Winthrop, Esq; the younger, (the same mentioned above, who was afterwards Governor of Connecticut) had a Commission under Lord Say and Seal, Lord Brook, &c. appointing him Governor of Con-

necticut River, with Instructions to make a Settlement on that River, and build a Fort on an Island near its Mouth; which he did, and named it Fort Saybrook, after the two Lords, Say and Brook.

Appendix No. II.

George Fenwick, Esq; succeeded Mr. Winthrop, as Governor of the Fort, and Settlements made near it at the Company's Expence. But the Chiefs of that Company, becoming deeply engaged in the Scene of Things then carrying on in England, laid aside all Thoughts of an American Settlement. Mr. Fenwick, therefore, in 1644, sold the Fort at Saybrook and its Appurtenances to the Hartford Colony. Those Appurtenances are decided to be, "all the Land on Connecticut River," which could not mean the whole River, because the upper Parts of the River were in the prior Massachusets Grant, &c. He could only mean "all the Lands in "the Saybrook Jurisdiction," which might be about twelve Miles on the River; for an Extent of twelve Miles was generally considered in those Days, as appurtenant to a Fort. Nor did he give them any other Right, but by a Committee of five, (of which himself was to be always one) to give or set out to others what Lands were undisposed of, in the Tract he meant to convey. That the Extent of this Tract could not be far on each Side of the River is certain. New Haven Bounds would not have permitted them to go far Westward of the River, and the Deed or Writing of Mr. Fenwick, shews that he could not convey to them any Lands far Eastward of it. He says

Appendix No. III.

"The Lands, from Narraganset River to the Fort at Saybrook, "shall fall in under the Jurisdiction of Connecticut, if it come "into my Power"—a plain Proof he had not Power then to give them a Title to those Lands; nor does it appear how he came by his Power even for the Sale of Fort Saybrook.

This then is all the Right, under Lord Say and Seal, &c. which they could pretend to have, when they applied for their Charter. Mr. Winthrop, when he got to England, was in hopes to obtain some further Right under that Lord; but it seems his Lordship did not then know what was become of his own Deed. He appears now to have neglected, or forgot, his American Right; and was willing that Mr. Winthrop might get carved out of it, what the old Colony of Hartford had settled and improved. His Words are—"Concerning that of "Connecticut, I am not able to remember all "the Particulars.—Mr. Jessop, when we had a "Patent, was our Clerk, and he, I believe, can inform you "best about it. I have desired my Lord (Chamberlain) to wish "him so to do."—It will appear afterwards, that New-Haven Colony absolutely refused to be included in this Patent; and

Lord Say and Seal's Letter Appendix, No. 5.

that Lord Warwick, Lord Say and Seal, &c. had long before given them to know, that it was not intended they should be under Connecticut.

Appendix No. 20.

The Bounds of Connecticut Patent then, were to be as his Majesty pleased, so far as the Lands were in the Power of the Crown to grant, or the Petitioners could shew any Right vested in them from former Grantees. But that Part of the Country lying between Naraganset and Connecticut Rivers, we have seen, was not included in the Purchase made from Mr. Fenwick. And if the King might grant it, on Account of Lord Say and Seal, &c. having waved their Right, such Grant was made long before by Charles I. to Duke Hamilton, extending from Naraganset to Connecticut River sixty Miles back into the Country. And if this Argument had been vigorously pressed, in Behalf of the Duke, when his Claim came to be discussed in 1665, before the Crown Commissioners, Connecticut, who could produce no legal Right or Title under Lord Say and Seal, would perhaps have been reduced to such scant Bounds, as would have left that Colony to be but of little Importance at this Day.

These being the Circumstances under which Mr. Winthrop obtained the Connecticut Charter; it is evident, that the Saybrook Purchase, and some small Purchases and Conquests from the Pequot Indians, contained all the Lands, for which he and his Associates could have any Pretence to solicit a Charter. And even with Respect to those Indian Lands, so far as they lay out of the Saybrook Purchase, they had no proper Right. For if the Acquiescence of Lord Say and Seal could give such Right, without a legal Conveyance, the same Acquiescence might be construed to be good in Favor of Duke Hamilton.

This enables us, then to account for the Lameness of the Connecticut Charter, as well in its Preamble as in its Limits. For, although in the Massachusets Charter, King William recites the whole Title, viz. the first Grant to the Council of Plymouth, and that Council's Grant to Sir Henry Roswel, and the Royal Confirmation of the same, with the whole Process whereby it became void; yet the Connecticut Charter does not attempt to trace any Title from the Plymouth Company, but only sets forth in the Preamble, "that the said Connecticut or Hartford Colony, or the *greatest Part thereof "was purchased, and some other Part thereof

See the Petition and Charter in the Appendix.

*There being no Purchases but that from Fenwick, and some small Pieces from the Indians, surely if these made up the greatest Part of the Colony, the other Part could not reach Pennsylvania, nor any great Distance from Connecticut River.

"gained by Conquest, at the only Endeavours and Expence of "the said John Winthrop, &c."

Section III.

We proceed now to the Construction of the Connecticut Charter Limits. And, first, supposing not only the Saybrook Purchase, but all the Country from Naraganset to Connecticut River, and likewise New-Haven Colony, willing to be covered by it; yet that will give it no other Efficacy, with respect to other Places, than it had at first. By the original Saving in the great Plymouth Patent, which has always been expressed or understood to operate through all the Grants parcelled out of it, nothing could pass, which was "actually pos- "sessed, at the Time of such Grants, by any other Christian "State."—And, therefore, it has been long held, by Men of the greatest Law-Abilities, that nothing could pass, by the Connecticut Charter, to the Westward of Connecticut River; the Dutch as already observed, having so long claimed and possessed that River, from its Mouth, at least one hundred Miles up. Connecticut and New-Haven Colonies, could only claim a Right in Lands, Westward of the said River, by Virtue of the Agreement subsisting between them and the Dutch, at the Time of obtaining their Charter; and not by Virtue of the Charter itself, which is quite silent as to Limits or Extent on that Quarter. Nay, the King could *not grant, and it is certain he did not intend to grant, what lay under the Dutch Claim, in Virtue of their prior Settlement, between Hudson's and Connecticut Rivers; because, two Years afterwards, when a Resolution was formed to expel the Dutch, he granted to the Duke of York all the Country which was considered as the Dutch Claim, making the West Side of Connecticut River, one of the Boundaries of the Grant. The Treaty at Hartford was but a temporary Agreement, which was only to be binding "until a full Determination in Europe, by the States of "England and Holland;" and, therefore, without the Ratification of the latter, which they refused, could vest no Right under them, to the Lands West of Connecticut River. Upon the Whole, then, if it had not been for the subsequent Settlement of Boundaries, made by the Royal Authority, after the Conquest from the Dutch, (by which Settlement, pursuing the Spirit of the Hartford Agreement, the Limits of the Con-

*This is acknowledged by the Connecticut Commissioners, in their Letter to Governor Penn, dated December 18, 1773, as will appear afterwards.

necticut Charter were fixed) no just Claim could ever have been founded under it, to any Lands Westward of Connecticut River and the Charter would have remained the same defective unintelligible Thing it was at first.

If the Connecticut Claimants now adhere to those Limits, which, as finally adjusted and settled, never approach nearer than twenty Miles to Hudson's River, they can never approach to Pennsylvania. Again, if they reject those Limits, they leave their Charter in its first State, so unintelligible and defective of Limits, that none of their Neighbours, whose rights are guarded by clear and decisive Crown Grants, need be under any great Concerns about it.

On this single Argument, I might here rest the whole Matter. It is trifling to say, that the English had a Right of Discovery in those Lands prior to the Dutch; for whatever might be the Arguments of War, (which must always find a Plea to justify Convenience or Necessity) when Colonel Nichols came with an armed Force to expel the Dutch; yet, at the subsequent Peace, those Arguments were forgotten; and the Dutch were allowed Surinam in Exchange for New-Netherlands.

Three distinct Colonies, or Governments, have since been formed out of those Dutch Rights or Claims; and the Connecticut Claimants, acknowledging themselves barred by those Rights, have no other Expedient but to split their Charter, (which is weak enough when entire) and laying one End of it Eastward of two of these Colonies, to carry the other End, by a large Leap across them, so as to lay it on Pennsylvania, and a vast Extent of Crown Lands Westward.

Let us enquire what Countenance their Charter gives to such a Construction. By its Preamble, reciting their Petition, it is clear, that their highest Wish was to obtain, and the Intention of the Crown was to grant, the Powers of Government, and a confirmed * Right of Soil, in a Colony or Country, the greatest Part purchased, and other Part gained by Conquest, subdued and improved at their sole Expence, which was not within any other English Government, nor interfering with the actual Possession of any other Christian State.

This being the express Description of what they prayed might be granted to them, viz. a Country then actually improved by them, and under their Subjection, it can only be understood that they meant to point out to the Crown, the Lands which they occupied and had purchased of Mr. Fenwick, or gained from the Pequot Indians, and not comprehended in any other Government; bounded East and North by other New-England

* They confess that they were unwilling to "rely on their Right under Lord Say and Seal."

Colonies, West by * New Haven Colony, or at farthest the Dutch New-Netherlands. It could never have been in Mr. Winthrop's Imagination (unless we would charge him with putting such a Deception on the Crown as would vitiate his whole Grant) to leap over the Dutch Settlements, as now contended, and to take in far remote Countries of 3000 Miles Extent, then and now unsubdued by them; and which, instead of being the Object of one Government, are large enough to constitute twenty such Governments as that described to be exercised under the Charter, and in which there is no Provision for erecting subordinate Governments. The Country to be granted, and the Government to be erected, were certainly intended by the Crown to be absolutely bounded and barred Westward by the Dutch Settlements, if not by New Haven Colony, and that in the same Sense as it was to be bounded Northward by Massachusets.

The least Suggestion of a Design to go further, would have brought the Ambassador of the States-general, who had yet no Breach with England, to oppose the Grant. Hence it was, that Mr. Winthrop thought it prudent rather to leave the Extent of his Grant open and undecisive along the Coast Westward, than give any Alarm to the Dutch, or retard its passing. Another Reason we shall fully prove he had—namely, his solemn Engagement not to extend his Charter farther West, than the fixt Bounds between Hartford old Colony and New-Haven, which were but a little Westward of Connecticut River, between Guilford and Killingworth—For New-Haven Colony was about to apply for a distinct Charter and absolutely refused to be under the same Jursdiction with Connecticut.

Thus we have found a Clue which unravels the Mystery of this singular Contrivance, of leaving a Royal Charter loose and destitute of any Limits or Extent towards one Side; for Mr. Winthrop, altho' bound as he was by his solemn Promises to New-Haven, appears still to have had a secret Hankering and Hope to include that Colony, and reach the old fixt Station with the Dutch. This might have proved a fatal Policy, if, through his good Management with New-Haven, and Address with the Crown Commissioners, he had not soon got Limits fixed by them; who, in their great Indulgence, allowed Connecticut Charter to cover all that possibly could be claimed as the Object of it; under the Notion of Impovements, Purchases, or subdued Countries, not then erected into any other Government. And I will venture to repeat, that Mr. Win-

* It will be shewn, agreeable to Mr. Winthrop's Confession, that he was content and had promised to be bounded West by New-Haven Colony.

throp's Policy may even yet be found fatal to that Charter, if Connecticut will strive to overleap those Limits, construing the Charter in a Sense which has never been allowed to any other of the like Sort in America, and claiming, to the Disturbance of other Colonies, an Extent of Country, that could not be settled or ruled by many such Governors and Companies. Their Charter, it is presumed, will be found but a feeble Basis to support such an enormous Superstructure.

This is not meant to convey any Threat; for, in the present Discussion, we disclaim all Arguments which sober Reason will not justify; and call on any Mathematician or Geographer, to lay down the Connecticut Limits from the Charter-Description of them.

An Eastern Boundary, it is true, is given "on Naraganset "River or Bay, which can be found. A Northern Boundary "is also implied, as, or perhaps upon, Massachusets Southern "Line," which we know how to find, as that Line ought to have been in 1662, by Sir Henry Roswell's Grant, altho' very different from the Line settled long afterwards, amidst numerous Bickerings, scarcely yet composed. But every Tyro in Mathematics knows the Axiom—that "two right or strait Lines "will not comprehend a space."

But it may be said, the Charter gives two Sea-Boundaries, viz - "South by the Sea," and "the South Sea on the West "Part"—But, to keep these two Sea-Boundaries, must we go round by Cape Horn, and all along the Shore of the vast Pacific Ocean, till we meet the Production of the Massachusets Line? In this Case, the little Connecticut Charter, which was solicited, and intended, to cover a narrow District about Connecticut River, will be stretched to a stupendous Size, constituting the Governor and Company of Connecticut, into the high and mighty Lords of all South America, and the greatest Part of North America too!

This is no ludicrous Construction of their two Sea-Boundaries; for they will bear this as well as any other I have heard. But, say they, we desire only a reasonable Construction of Limits or Breadth on the Sea, and from thence to set off Inland throughout, to the other Sea in a West Direction—But then they would not be bounded South on the Sea; for, on the Contrary, soon leaving the Sea or Sound, their South Boundary would be a long Line of at least 3000 Miles. And what would be their Breadth? Small, very small, as will be shewn!

Again, when they speak of a reasonable Construction of Limits, has not the Crown given, above one hundred Years ago, what they then thought a very reasonable Construction and Settlement of their defective Limits; and can it now be thought

reasonable, to take away what the Crown gave above ninety Years ago to another, and has been enjoyed ever since without any objection made, or Claim put in, on the Part of Connecticut, till the * Resolve past by their Assembly in October last? And how do they now know that any of the lands in Pennsylvania, upon which they have violently intruded themselves, would fall within their Lines, if suffered to extend them beyond their ancient fixt Limits? Where will they leave the Sea, and begin to run to the other Sea? Their Charter says, at Naraganset Bay on the East. But does their Colony now begin at that Bay and run West? By no means. They come about twenty five Miles Westward from that Bay to Pakatauk River, for their Place of Beginning, and then set off Northerly not Westerly. Moreover, I would further ask, where on the Sea or Sound will they begin their other Line? They will say, where the Crown finally fixed us, about Byram Brook. And in what Direction?—They ought to say, in the Direction the Crown gives us, which (as might well be expected) was Northerly too, at about right Angles from the Shore, and parallel to their other offset from the same.

This is a Direction however, which they do not chuse; and therefore, casting their Eye towards the rich Susquehanna Lands, they say we will run due West—But this gives such an irregular many-sided Figure as could never have been intended, and what is worse, they wholly depart from the Lines given by the Crown; for if they reject one of those Lines, they reject the whole Settlement made by the Royal Authority, solemnly assented to by themselves; which brings them back again to their Charter in its original State, which I have already shewn to be so loose and vague, that no prudent Man would chuse to hold a single Plantation, by such defective Limits; it being totally silent as to any Extent on the Shore, or Place of running off, except at Naraganset on the East.

But, in order to help out the defective Limits of their own Charter, they have formerly claimed those of the Grant to Lord Say and Seal, Lord Brook, &c: contending that all included in that Grant, was intended to be confirmed to them by their Charter, altho' it appears, that when they obtained their Charter, they were entitled to but a very small Part of what was granted to those Lords. This was their grand Defence against Duke Hamilton's Claim in 1665; when they ventured to contend before the Crown Commissioners, "that Lord Say and Seal's Patent was pur-

Appendix, No. X.

* The visionary Schemes of Individuals, not avowed, but disowned by the Powers of Government, could not be called a Colony Claim.

"chased by them at a dear Rate, and lately confirmed to them "by their gracious Sovereign." This Grant to Lord Say and Seal is also entered among the ancient Records of Connecticut Colony with this Title--

Appendix, No. I. "A Copy of the old Patent for Connecticut."

Why they should of late drop this Grant, to Lord Say and Seal, may seem a little mysterious. The Author of the printed Susquehannah Case, stated for the Opinion of Council in England, keeps this Grant wholly out of Sight; and is content to found his Claim on nothing better than the said unintelligible, loose, and defective Charter, from Charles the IId.

But this Mystery may be explained: which I shall the rather attempt, in order to shew the Duplicity and dexterous Management of those Connecticut Claimants, than for the Sake of the Arguments to be drawn from thence in the present Contest; for the Rights of Pennsylvania can be fully maintained on other Grounds.

The Truth, however, is that when Connecticut Colony desired to stretch Eastward and Northward, Lord Say and Seal's Grant was a good Thing to hold up to the Crown Commissioners; but when they now want to go the other Way, viz. Westward towards Pennsylvania, it makes directly against them.

It has ever been the Construction of Sir Henry Roswel's Grant for the Massachusets, as well as of Lord Say and Seal's, that they were intended to keep their Front Breadth on the Sea, throughout the main Land, Any other Construction would, at first, have ben deemed an illiberal one. No Person could imagine, had there been no unforeseen Interfering in the Execution, that the Crown would give a Sea Front of one hundred and twenty Miles in Breadth, and locate the Length, from the said Front, in a Direction that would contract the Breadth to forty or fifty Miles! It has never been understood in that Way. Hutchinson, who may be mentioned as a good Authority, for what has been the general Sense of this Matter, among the New-England Colonies themselves, says expressly of Lord Say and Seal's Grant - as already quoted, that it was "from Naraganset River to the South-West forty Leagues, to "keep the Breadth, to the South-Sea."

Appendix, No. I. There is no Ambiguity in the Words of the Grant itself—viz—

Lord Say and Seal's Grant, Mar. 9, 1631. "All that Part of New-England in America, "from a River there called Naraganset River, "the Space of forty Leagues, on a strait Line near the Sea-"Shore, South-West, West and by South, or West, as the

"Coast lieth towards Virginia, accounting three English Miles "to the League; and also all the Lands, &c. within the Lands "(read Limits) aforesaid, North and South, in Latitude and "Breadth; and of land within all the Breadth aforesaid, "throughout the main Lands there, from the Western Ocean "to the South South-Sea."

Here is a very explicit Description. The Beginning is at Naraganset River, near the Sea; viz. about Judeth-Point, towards the lower End of Kononikut Isle, in Naraganset Bay.

The Front is a strait Line to be drawn also near the Sea, and not a Curve, following the different Inflections of Bays and Shores, but keeping clear of the deepest Bays, and yet as near as might be to them, so as to keep the said front Line strait; and the Extent of this Line was to be one hundred and twenty Miles; and the granted Premises were to extend, in Length or Longitude, from this Front throughout the main Lands; being, of all the Breadth aforesaid, that is no where narrower than one hundred and twenty Miles; and within all the Breadth aforesaid, that is no where wider than one hundred and twenty Miles. In short, an Oblong of one hundred and twenty Miles Front, keeping that Breadth Inland throughout, is evidently described.

Now to satisfy this Grant, and keep the Breadth of the Front, through the whole Length Inland, there is no possible Direction, but two Parallels run off, at right Angles to the front Line, from each End thereof. And this Front is the general Direction of the Shore, keeping just clear of the Sea or Sound; which, from Naraganset Bay towards Mamoraneck, is West-South-West. The two Parallels must therefore be run in a North-North-West Direction, from the two Places of Beginning, which would carry the Connecteut Lines far North of Pennsylvania. Thus the Oblong, marked * A, is a true Plan or Location of Lord Say and Seal's Grant.

But, say the Connecticut Men, whose Fathers, one hundred and nine Years ago, served themselves with this Grant, to cover the Land in Dispute with Duke Hamilton; we will now reject it, and trust to our long Possession of those Lands, or showing the Figure of it sixty-seven Degrees and a Half West-about; we will leave the chief Part of Duke Hamilton's Lands out of it. Nay, we will leave Hartford, our very Seat of Government out, and contract our Province into a narrow Strip, of about one-third of the given Breadth and Quantity

*See the annexed Plan, which is only a rough Sketch for marking out the Places referred to in this Work. Those Places, however, and the general Course of the Coast, are laid down from the best Maps.

of Land, in order to get due West to the Susquehannah Lands. All this would be the case, as in the Figure C, by running due West, from the two Stations, on the Sea and Sound. The Northern Boundary would cross Connecticut River at least twenty Miles below Hartford; their Colony, instead of running in Length from the Sea, would be of an irregular Breadth, proceeding in Length from a Point in Front, and widening in a triangular Form as far West as Mamaroneck, where it will have obtained little more than one-third of the required Breadth, viz. forty-five Miles; and this is all the Breadth it can afterwards carry to the South-Sea. This certainly is not the Country called for in Lord Say and Seal's Grant, which is to be of the Breadth of one hundred and twenty Miles throughout.

But if the Coast had been West and by South, which is one of the Courses supposed probable in the Grant to Lord Say and Seal; then by bounding the Grant with two West Lines, it would leave out the greatest Part of the Settlements on Connecticut River, crossing that River not ten Miles above the Mouth, and reducing the Breadth of the Grant to about twenty three Miles, all the Way from Mamaroneck to the South Sea.

However, it would be some Consolation that these twenty three Miles Breadth, would run through the North Part of Pennsylvania. But further, suppose the Coast to have run due West, which is also mentioned as possible in the Grant, then, the End of one hundred and twenty Miles differing nothing in Latitude from the Beginning, there would have been no Lands granted at all; but only a Line, or rather two Lines falling one upon the other throughout, to the South Sea. And if the Coast had turned but half a Point to the North of West, the Grant would have been thrown so far wholly into the Sea.

There is another Construction of Lord Say and Seal's Grant, which Connecticut Colony may probably propose as being something like their present Lines and Bounds, viz. by following Naraganset River seventy-five Miles up, if it extends so far, and if it does not extend so far, then northerly from its Head till seventy-five Miles be completed, as at the Point X; and then to run off westerly in the Line XY, to the South Sea. This would indeed include one hundred and twenty Miles Breadth, with the West Line from Mamaroneck; but East of that we should not have an equal Breadth, but an irregular Figure, of more Sides than four, and therefore disagreeing with the Grant not only in this respect, but likewise in another; viz—that the Length of the Grant would not run off from the Sea in Front, but from a River and Land Line, having the Sea partly as a side Line. And, what is still worse, in order to come to the required Breadth, they must run almost to the North

Line of the prior Massachusets Grant, And instead of stopping at the South Line of the same. For if they stopped at that Line, the Breadth of the Grant, West of Mamaroneck, would be but about eighty Miles instead of one hundred and twenty; and, East of that, narrowing all the way as before observed. Moreover, if there be any Rule of Construction which requires or allows them towards the Narraganset Side, to set off northerly, as they now do, about forty-five Miles to the Massachusets Line, they ought certainly on the Mamaroneck or West Side, by the like Rule, to run the same Distance northerly, before they turn Westward; and indeed this is the present Course of their western Boundary as finally fixt by the Crown, and established by their own Laws, viz. running northerly in the general Direction of Hudson's River, about * seventy-two Miles to the Massachusets Line.

There is another way, more extravagant if possible, than any of the above, and yet it has been thrown out lately, even by the Connecticut Co mmissioners to Governor Penn, as what might probably be a reasonable Construction; namely, leaving the Sea or Sound at Mamaroneck, to run on West-South-West. But this would be such a Shape or Figure for a Colony as, perhaps, was never before thought of; constituting a Triangle, having no Sea Front, but beginning in a Point at Naraganset Bay, and widening forty-five Miles Southward, for every hundred and eleven Miles Westward; so that it would become twelve or thirteen hundred Miles in Breadth, before it could reach the South-Sea. And thus, although it would leave out Hartford and a great Part of the present Connecticut Colony; it would make large Reprisals, in the way, upon Pennsylvania, Maryland, Virginia, and the Ohio Lands, &c.

In short, upon all these Hypotheses (except the first, which runs the Grant off at right Angles to the Shore) the granted Premises would be of an unequal and irregular Breadth, and would not run off in Length from the Sea, as was the Idea and Intention of all those old American Grants, and is particularly required, in order to satisfy this particular Grant to Lord Say and Seal. Any other Construction of it is purely imaginary, without any Foundation in the Grant itself; or, indeed, in the Connecticut Charter, which is built upon this Grant, as that Colony, till of late, has always contended.

* See in Appendix 26, the Length or Extent of the different Boundaries of the Colony as they now stand. It will appear afterwards, that from the Front of one hundred and twenty Miles so often mentioned, Rhode Island took twenty-five Miles from one Side, and New-York about seven Miles from the other, leaving about eighty-eight Miles for the present Front.

But it will be asked—What must be done with the Words North and South, in Latitude and Breadth, which are to be found in Lord Say and Seal's Grant; although dropped in the Connecticut Charter?

I answer, that in a Grant, as is the Case in that under Consideration, where the Length is to commence from a Front, described to run South-West, West and by South, or even West, the Word Latitude can have no Meaning, if taken in its geographical Sense, and not inserted, by the Ignorance of the Clerk, (as it appears to be) as a synonimous Term with Breadth. Nor will the Words, North and South, apply to the Breadth, unless meant to express, that all the Lands lying in every Direction within the two Land-Lines, whether North or South, East or West, were actually intended to be conveyed; which agrees sufficiently with the Words of the Grant. These Words, North and South, can only be taken as a general Designation for Northerly and Southerly, just as New-York may be said to lie South of New-Haven, though not directly so; and West may be explained Westerly, or on the West Part, which are Words in the Grant.

Some Words in the Grant must be rejected, or understood in a qualified Sense, in order to allow the essential Parts their full Operation. The Breadth of the Grant is its very Essence—forty Leagues, and all that Breadth throughout. It may seem trifling to repeat the utter Impossibility of keeping all that Breadth throughout, in a North and South Direction, considering Breadth and geographical Latitude as the same; nor can the Breadth be kept in any other Direction but West-South-West, and East-North-East, the general Course of the Shore.

The Grant must have the most liberal Construction; and thus the Connecticut Claimants would contend for, if it served their present Purpose. We must reconcile the Words Latitude and Breadth, if possible, so as to sacrifice neither of them. If the Breadth of the Grant is to be due North and South, as the Line GH, in Figure C, we have forty-five Miles difference of Latitude between the two Sides of the Figure; but then we sacrifice near two Thirds of the requisite Breadth. On the other Hand, if the Breadth be West-South-West, as the Line EF, in Figure A, we sacrifice nothing; for we have the whole one hundred and twenty Miles in Breadth; and the Latitude, North and South, between the Ends of the Line EF is just the same, as between the Ends of the Line GH, viz. forty-five Miles in each Case. Moreover, if we run off in any other Course, between West and North North-West, no more Latitude can be got than forty-five Miles, viz. the Difference of Latitude between the two Ends of the Front Line. Thus the Latitude, North and

South is the same in all these Cases; but the Breadth can be preserved in none of them, but by running at right Angles to the Shore. It is therefore abundantly plain, that this is the true Construction of the Grant; and much more has been said on this Head than will be necessary to such Readers as have the least Tincture of mathematical and geographical Knowledge. If any Thing further might be added, to shew the Absurdity of construing the Word Latitude into Breadth North and South, let us recall the Case already mentioned, which the Grant allows to be possible; namely, that the Course of the Shore had been due West. Then, if the Word Latitude was to be construed into Breadth North and South, there would be no such Breadth at all, and consequently no Land granted; and if any Persons had insisted on this, as the true Construction of the Words Latitude and Breadth, so as totally to have defeated the Grant, Connecticut would have called it a most unreasonable Construction. Yet every Deviation from a Course at right Angles to the Shore, is an Approach towards the same unreasonable Construction, on their Part.

But altho' the Words of the Grant may be thus reconciled, it is most probable that the Word Latitude was never intended to have any meaning but Breadth. Whoever drew up the Grant to Lord Say and Seal had, without doubt, before him, the great Plymouth Grant, out of which those other New England Grants were to be carved; in which finding the Words "Latitude, and all the Breadth aforesaid," used in the same Sense, he imagined that he ought to do so likewise. He had not sufficient Knowledge to distinguish, that in the Plymouth Patent, where Degrees of Latitude, viz the 40th and 48th are given as Points of Beginning, and all that Latitude or Breadth to be kept throughout, the Breadth and Geographhical Latitude must be the same Thing; but that where a certain Extent or Breadth is given on the Shore, and that Breadth to be carried throughout, the Breadth and Geographical Difference of Latitude, with Respect to the Sides, can never be the same, except where the Course of the Shore lies North and South.

By long considering a Thing in one Point of View, we contract a Prejudice towards our own Notions. But it is by no means a Rule, that all American Grants are to lie due East and West in Length. They never can do so, unless where bounded by Parallels of Latitude, if they are to carry their Front-Breadth throughout; some in Fact do lie in other Directions, even within the old Plymouth Patent. Indeed it never was supposed at first, that they could all lie West. The great Patent to South Virginia expressly mentions West and North-

Vid. Supra. p. 4.

West from Sea to Sea; making Allowance for what might be the Course of the Shore; and the Colony of Connecticut, as long ago as 1653, before they had any Charter, supposed that the Lines from the Shore might be North, or North-West, or West. Speaking of the Dutch Claim of all the Lands from Cape Henlopen to Cape Cod along the Coast, they say, "from which, drawing any Line to the North, "North-West, or West, wholly takes in, or encroaches upon, all "the united Colonies." In Fact, Connecticut itself, as observed elsewhere, has never had any Lines set off from the Shore, but North and North-North-West; or nearly at Right Angles.

Appendix No. XIX.

That it was the original Plan of Government thus to lay the American Grants at Right Angles to the Shore, cannot be doubted. Douglas says expressly, the first Notion was to "lay "out Settlements of one hundred Miles on the Shore, and one "hundred Miles back into the Country, so as to make Districts "of one hundred Miles Square." But they could not have been Square without running directly into the main Land; as the Words expressly are.

Douglas did not assert this without the best Authority; for the great Parent-Grant of all, namely, the Patent to the South and North Virginia Company as already quoted, expressly locates the Lands to be granted, in these Words "directly over "against the Sea Coast;" and directly into the main Land, "by "the Space of one hundred Miles"—and this was supposed, in the subsequent Grant three Years afterwards, might be West or North-West.

An Inconvenience, it is true, arose in this which was not at first foreseen, or perhaps was not thought worthy of Attention; as the Crown knew that if any interfering should afterwards be found it had a Power of explaining and rectifying its own Grants, according to Reason, Equity, and their plain Intention. This Power must have rested with the Crown, else no Grants at all could have been made in those early Times, till a compleat Survey of the Coast and Country could be made; and such Surveys were impracticable till Settlements were first made.

The Inconvenience I mean is this—that when two given Fronts on the Sea incline to each other, making an Angle inward, the Lines produced from those Fronts, so as to keep the same Breadth, will soon intersect and mix with each other. Hence arose the Confusion in all the New-England Grants; whose Places of Beginning were not fixt at Degrees or Minutes of Latitude. For had they been so fixed, and directed to carry their Breadth or Latitude throughout, no Contest could have arisen, unless the same Latitude had been twice granted.

The Massachusetts Colony seem to have been the Parent of these Confusions. Though now retrenched in their Bounds, they were once as exorbitant in their Claims as Connecticut now is. They claim, says an early Writer, "Fort "Albany, and beyond it all the Land to the "South-Sea. By their South-Sea Line, they intrench upon "the Colonies of New-Plymouth, Rhode-Island, and Connec-"ticut; and in the East, they have usurped Captain Mason's "and Sir Ferdinando Gorges's Patents."—And elsewhere—"They (viz. Massachusets) take the Liberty to claim as far as "their Convenience and Interest direct; never wanting a Pre-"text of Right to any Place that is commodious for them—de-"claring they do not know the Boundaries of their Common-"wealth."

See Hutchinson's Collection of Papers.

"It is," says Dr. Douglas, "frequently very difficult, and al-"most impossible, to reconcile the Letter and Boundaries of "two old Grants, because, generally, more was granted than "had been surveyed, and perhaps more than had been dis-"covered—Therefore, Lines were ill expressed—in loose and "general Terms, and frequently interfering."

To the like Purpose writes Mr. Blome, as early as 1687, in his Account of the Colonies, already quoted. Speaking of the great North-Virginia Grant, he says, "this vast Tract of Land, "was cantoned and divided, by Grant, into many lesser Parcels, "according as Adventurers presented; which Grants, being "founded upon uncertain and false Descriptions, and Report "of some that travelled thither, did much interfere one with "another, to the great Disturbance of the first Planters."—And he says further, "that Charles II. in 1664, sent over four Com-"missioners to set Bounds to those that had encroached upon each other."

All this is confirmed by the Commission itself, which sets forth, that Complaints had been made to the Crown of Disputes that had arisen about the Bounds of the New-England Colonies, and that Addresses had been made for remedying the Inconveniences arising on this Head. The following is an Abstract of the Commission, with a Determination of the Commissioners, respecting the Bounds of Connecticut:

"Charles II, &c. To all whom, &c.

Abstract of the Commission to Colonel Nichols and others, for hearing and determining Complaints in New-England, dated April 26, 1664. From New-York Records

"Whereas We have received several Addresses "from Our Subjects of several Colonies in New-"England—with their humble Desires, that "We would renew their several Charters, and "receive them into Our Favor and Protection "and several of our Colonies there, and other our

"loving Subjects, have complained of Differences and Disputes "arisen upon the Limits and Bounds of their several Charters "and Jurisdictions, whereby unneighbourly and unbrotherly "Contentions have and may arise, &c.—Upon which Motives, "and as an Evidence of Our fatherly Affection towards all Our "Subjects in those Colonies of the Massachusetts, Connecticut, "New-Plymouth, Rhode-Island, and Providence Plantation, "and all other Plantations within that Tract of Land, known "under the Appellation of New-England—We have constituted "and appointed, &c. Colonel Richard Nichols, Sir Robert Carre, "Knt, George Cartwright and Samuel Maverick, Esqs; Our "Commissioners—granting unto them, or any three or two of "them, (the said Colonel Nichols during his Life, always to "be one) full Power and Authority to hear, receive, examine, "and determine all Complaints and Appeals—and proceed in "all Things for settling the Peace of the said Country."—

One chief Design of this Commission then, was to determine Bounds, where uncertain or disputed; and the Determination of the Commissioners when once made was to be final, as well to put an End to Contentions that had arisen, as to prevent such as might in future arise—All this is further evident by the King's * Letter sent by the Commissioners to the different New England Colonies; in which there is no Restriction, but in Case of any great Difficulties, to be referred to his Majesty.

See Neale, Vol. I. p. 362.

With Respect to the Bounds of Connecticut, whose Charter was absolutely defective in Limits, towards the West and South-West, as has been fully shewn, the Commissioners determined as follows, viz—

"By Virtue of his Majesty's Commission—We have heard the "Difference about the Bounds of the Patents granted to his "Royal Highness the Duke of York, and to his Majesty's Col-"ony of Connecticut; and having deliberately considered all the "Reasons alledged by Mr. Allen sen. Mr. Gold, Mr. Richards, "and Capt. Winthrop, appointed by the Assembly held at "Hartford October 13th. 1664. to accompany John Winthrop, "Esq; the Governor of his Majesty's Colony of Connecticut,

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*The King tells them, that "to the End there may be no Contentions "and Differences among them in Respect to the Bounds and Jurisdic-"tions of their several Colonies, he had sent Commissioners to deter-"mine—as the Right might appear by clear Evidence, or as they can "Settle it by mutual Consent of Parties—Or in Case of Difficulties, "they shall present the same to us, who will determine according to "our own Wisdom and Justice." Letter to Plymouth Colony.

"to New-York, and to agree * upon the Bounds of the said Col-"ony, why the said Long-Island should be under the Govern-"ment of Connecticut, which are too long here to be recited-"We do declare and order, that the Southern Bounds of his "Majesty's Colony of Connecticut is the Sea, and that Long-"Island is to be under the Government of his Royal Highness "the Duke of York—as is expressed by plain Words in the said "Patents respectively"—But this Part of the Determination is not material to the Point in Hand--What follows is the Part we are concerned with—The Commissioners go on and say—

"We also order and declare, that the Creek or River called "Mamaroneck, which is reputed to be about † thirteen Miles to "the East of West Chester and a Line drawn from the East "Point or Side, where the fresh Water falls into the salt, at "high Water Mark, North North-West to the Line of the Mas-"sachusets, be the Western Bounds of the said Colony of Con-"necticut; and all Plantations lying Westward of that Creek "and Line so drawn, to be under his Royal Highness's Govern-"ment, and all Plantations lying Eastward of that Creek and "Line, to be under the Government of Connecticut. Given "under our Hands, at James's Fort in New-York, on the Is-"land of Manhattan, this 1st Day of December, 1664."

Richard Nicolls,
George Carteret,
S. Mavericke.

This Determination of their Limits was assented to, and accepted in the most public and solemn Manner, in the Words following, without any Reservation or further Claim, viz.

"We the Governor and Commissioners of the General Assem-"bly of Connecticut, do give our Consent to the Limits and "Bounds above mentioned, as Witness our Hands,"

——— Gold, John Winthrop, jun.

John Winthrop,
——— Allyn, sen.
——— Richards.

The above is taken from Copies of the Records of New-York, inserted in the Council Books of Pennsylvania; and agrees exactly with the Copies inserted in Smith's History of New-York which he certainly took from the public Records there.

The Author of the Susquehannah Case, however, expresses the Assent, on the Part of Connecticut, differently. But if this Alteration was made with a View of having the Determi-

*The Words—"to agree upon the Bounds of the "said Colony—are left out of the State of the Case drawn up by Connecticut, for the Opinion of Council.

† In the Susquehanna Case, they call it twelve Miles.

nation considered as obligatory upon Connecticut only so far as New-York Bounds were in Question, he is unfortunate in the Mode of Expression; for even if the Assent of Connecticut had been in the Words he gives us, it is equally strong, and that not only with Respect to the absolute Limits of the Colony, but of the Patent itself—The Words are, as he gives them—

"We underwritten, on behalf of the Colony of Connecticut, "have assented unto the Determination of his Majesty's Com- "missioners, in Relation to the Bounds and Limits of his Royal "Highness the Duke's Patent, and the Patent to Connecticut."

It is indeed a nice Distinction which some have lately thought of, that because New-York and Connecticut only were mentioned in this Settlement, the Boundary fixed could only be obligatory upon Connecticut, so far as New-York was concerned. There is not the least Ground for this Distinction. No other Colonies or Powers, but those two, could properly be mentioned; none else being immediately concerned. Two Patents were granted; one to Connecticut, the other to the Duke. The latter included all the Country from Delaware to Connecticut River, formerly the Dutch Claim by Preoccupancy. The latter, namely Connecticut Patent, had no certain Extent along the Coast; nor was it ever intended to include any Lands within the just Claim of the Dutch between Hudson's and Connecticut River; but the Connecticut and New-Haven Colonies had over-run a great Part of the Lands in that District. The Crown, by Conquest, being now solely vested with those Lands, had the only Right to parcel them out, and settle contested Limits. The Settlement so made was absolute and conclusive as to the Parties concerned. "A North-North-West Line from a certain "well-known Point to the Line of the Massachusets, shall be "the Western Bounds of the Colony of Connecticut."—No Reservation here, nor Reference to any other Colony. It is as absolute and explicit as the other Boundary, beyond which they could not go. "The Southern Bounds of Connecticut is the "Sea"—They do not mean the Southern Bounds with respect to New-York, but the absolute Southern Bounds of Connecticut. In the same absolute and explicit Manner, the Governor and Commissioners give their Assent, viz—"We consent "to the Bounds and Limits above-mentioned" -"We assent to "the Determination of his Majesty's Commissioners in Relation "to the Bounds of the Duke's Patent, and the Patent of Con- "necticut."—That is, they agree that the Line, fixed as above, shall be the absolute Boundary of both.

Had Governor Winthrop and those in Commission with him, thought that, a hundred years afterwards, their Grand-Children would claim, by Virtue of their Charter, an immense

Country West of New-York, they would not have subscribed their Assent in either of the Forms above-mentioned, but would have said, "We consent to the above Lines or Limits, "so far as concerns the Duke's Patent, saving to ourselves our "Charter Rights to the Westward." Such a Notion would have been treated with Ridicule at that Time, and certainly never entered into their Imagination.—On the contrary, Mr. Winthrop had much Reason to be pleased at the Issue of his Negociation with the King's Commissioners. His lame and defective Charter had received a new Form and Birth, as much as if it had again passed the Royal Seals. It had now got an Eastern, Southern, Western, and Northern Boundary; explicit in Length and Direction. He had also got his Charter extended Westward much further than he durst propose, or express, two Years before; so as now to include New-Haven, and the Country from Mamaroneck Eastward, which had been so long contested with the Dutch, and had been granted to the Duke as Part of the Dutch Country. In all this, he had the Advantage of the Crown-Commissioners, as well as in persuading them that a North-North-West Line from Mamaroneck would keep on the East Side of Hudson's River, whereas it would soon have crossed it, and taken away the greatest Part of the Duke's Territory so lately conquered from the Dutch. This Line was accordingly soon afterwards altered, and thrown into a Parallel to Hudson's River at twenty Miles Distance, being about a North Direction, which was finally confirmed by the Crown, March 28th, 1700, as the Western Boundary of Connecticut.

Douglas and Smith.

The Arguments, no Doubt, made use of by Mr. Winthrop, to obtain such an Extension of his Charter from the King's Commissioners, to the manifest Detriment of the Duke's Patent, must have been the Agreement made with the Dutch at Hartford, in 1650; and more especially his claiming the full Extent of * Lord Say and Seal's Grant, as intended to be included in the Royal Charter to Connecticut. For, upon no other Principles can we account for the Commissioners fixing on Mamaroneck, a Place exactly at one hundred and twenty Miles Distance, on a strait Line from Naraganset Bay, and then setting off North-North-West, or at right Angles to the Shore; all which, we have shewn, the true Construction of Lord Say and Seal's Grant requires. Another Circumstance which rendered ths Settlement more easy, was the Silence of New-Haven Col-

* We find the same Arguments made use of before the Crown Commissioners the succeeding Years respecting their Eastern Limits. Appendix No. 10.

ony. This they expressly say in a letter, signed by their Secretary, James Bishop, addressed to the Council of Connecticut, and dated, New-Haven, December 14, 1664, only two Weeks after the Determination of Limits by the King's Commissioners.

Appendix, No. XXII. We have been silent hitherto—"chusing "rather to suffer, than begin any Motion hazard-"ful to New-England Settlements"—We have kept this Silence "according to Promise, notwithstanding your seeking to bring "us under the Government of yourselves, wherein we have had "no Hand to settle the same; and before we had cleared to our "Conviction the certain Limits of your Charter; which may "justly increase the Scruple of too much Haste in that and "former Actings upon us"- Surely [then] "you have the more "Reason to be full with us—seeing that your Success for Patent "Bounds with those Gentlemen, (the King's Commissioners) "seems to be Debtor unto our Silence before them—and you "performing to Satisfaction, we may still rest quiet"—a plain Intimation, that if New-Haven chose it, they could still break the Charter-Bounds, as settled by the Commissioners.

Indeed, whoever will peruse the Remonstrance or State of the Case, sent by New-Haven * to Connecticut or Hartford Colony, when the latter served the former with the Copy of their Charter about the Beginning of the Year 1664, and claimed New-Haven, &c. as included in it, will soon discover what was their original Construction of the Extent of that Charter. The Remonstrance begins in a very solemn and pathetic Strain:

"Honoured and beloved in the Lord,

Appendix No. XX. "We, the General Court of New-Haven Colony, being sensi-"ble of the many Wrongs which this Colony "hath suffered lately, by your unjust Pretences "and Encroachments upon our just Rights, have unanimously "consented, though with Grief of Heart, being compelled "thereto, to declare unto you, and to all to whom the Knowl-"edge thereof may come, what you" yourselves do or may know to be true.

They then proceed to set forth their first Settlement and Purchase from the Indians at New Haven in 1637; the extending of their Settlements on both Sides along the Sea, their maintaining a voluntary or associated Government among themselves for twenty-six Years, without any Assistance from, or Dependance upon, Hartford or Connecticut old Colony—who never questioned their being a distinct Jurisdiction, and hav-

* This Discontent of New-Haven with the Connecticut Charter, and denying that they were in its Limits, is mentioned by Mather, Hutchinson, and other New-England Historians.

ing distinct Bounds, fixt by mutual Consent. They further say that, independent of Connecticut, they had contended with the Dutch, who claimed New Haven and all the Sea Coast, and had erected the Arms of the King of England, where the Dutch designed to erect those of the Prince of Orange; that as a distant Colony, they had, as early as in the Reign of Charles I, received a Letter from the committee for foreign Plantations, which they had yet to produce, signed among others, by Lord Warwick and by Lord Say and Seal, by which it was clear those Lords had no purpose, after New-Haven Colony by the Sea, was settled as a distinct Government, "that it should be put "under the Patent of Connecticut, nor had you (continue "they) any Patent till about two Years ago"--They tell them further, that in 1644, they of New Haven sent Home Mr. Grigson to solicit a Patent, under which Hartford Colony then signified that they would gladly be included, tho' Mr. Grigson was drowned in his Way to England, and the Matter could not be taken up again on Account of the Troubles there--But that Connecticut now acted a different Part, procuring a Patent without the Concurrence of New Haven; may, contrary to their Minds expressed before the Patent was sent for; contrary to the Promises made on the Part of Connecticut and the Terms * of the Confederation; and without sufficient Warrant from the Patent itself, have invaded the Rights of New Haven, and seek to involve them under Connecticut Jurisdiction--That in 1661, when Mr. Winthrop went to England to procure his Patent, they had warned him by Letter not to have his Hand in so unrighteous an Act, as so far to extend the Line of that Patent, that the Colony of New Haven should be involved within it; for Answer thereunto, he was pleased to certify in two Letters that no such Thing was † intended, but rather the Contrary, &c--Which, continue they, "made us easy," who else could have procured a Patent for ourselves, with our own known Bounds according to purchase [from the Indians] without doing any Wrong to Connecticut in their just Bounds and Limits.

They add further, "and after the Patent was brought over "and shewn to us, we declared that New Haven Colony was not "at all mentioned in it, and gave some Reasons why we believed

*By the Articles of Confederation between the four Colonies, already quoted, it was solemnly covenanted, that no two of them should be included in one Patent or Jurisdiction without the consent of the whole; another Proof that Mr. Winthrop could not mean to include New Haven in the Connecticut Patent.

†Here, as was suggested before, is a full Reason why Mr. Winthrop gave his Patent no Line or Extent on the Coast.

"that the King did not intend to put this Colony under Con-
"necticut."

They then tell Connecticut (and they are Words worthy of Notice by the present Connecticut Claimants) "that they took a preposterous Course, first to dismember New Haven, and after that, treating with them about Union—which is, as if one Man "proposing to treat with another, should first cut off "from him an Arm, a leg, and an Ear, and then come to treat "with him about Union"—

The Consequence of this Remonstrance was an Appeal from New Haven to his Majesty, to explain "his true Intendment "and Meaning in the Connecticut Patent, whether it was to sub-"ject New Haven Colony under it, or not?"—Mr. Winthrop, who was yet in England, found Means to keep this Remonstrance from being presented, and wrote over, desiring Connecticut to forbear "imposing in any Kind upon New "Haven, without their Consent," and giving fair Hopes that all would be settled to their Satisfaction. He confesses his Promises not to "meddle with any Town or Planta-"tion that was settled under any other Government;" and tho' he left his Charter open, and in its present defective State, wrongly thinking, perhaps, that as it was in such loose Terms, it might be shoved West or South as Circumstances might be; yet he adds, what will be a lasting and full Proof that New Haven could not have been intended, by the Crown at least, to be included in it, nor indeed by himself, if he acted an honest Part. His Words are, "Had it been otherwise intended" (viz. to meddle with Settlements under other Jurisdictions, expressly speaking of New Haven) "it would have been inju-"rious, in taking out the Patent, not to have inserted a propor-"tionable Number of their Names in it."—

Appendix No. XXI.

That the Crown did not consider New Haven as included in the Patent, is evident, among other Things, from a Letter of Charles II, written in June, 1663, about a Year after the Patent past, signed by Sir Harry Bennet, Secretary of State, directed to New Haven as a distinct Colony, requiring them in Conjunction with Massachusets, Plymouth and Connecticut, "to be aiding and assisting to certain Purchasers of the Naraganset Country, in the Settlement thereof."

Appendix No. XXV.

Mr. Winthrop came over a little before the Crown Commissioners, and great Pains were taken to spread Surmises, that all who were not comprehended in any Charter, would fare ill, and be subjected to arbitrary Decisions, respecting their Lands and Property. It was represented too, that the old Connecticut Colony would be likewise brought into Danger, if any Dif-

Appendix No. XXII. XXIV.

ficulties were started about the Uncertainty of the Bounds in the new Charter; and therefore, for the Sake of the public Good, and large Promises of being included on their own Terms, New Haven consented to the Silence above mentioned; altho' they had but just past a Vote to send an Agent to England to solicit a Charter for themselves.

The consequence of this obliging and brotherly Silence has been mentioned. The Connecticut Charter had bounds fixed, including New Haven; and giving it an Extent Westward, which could otherwise never have been justly claimed under it.

Recapitulation.

Thus far I have endeavoured (and I trust, with the utmost Candor, and supported by the strongest Vouchers) to shew what Tract of Country the Connecticut Charter was intended to include; that the Petitioners were never intitled to more than a Part of Lord Say and Seal's Grant about Connecticut River; that they desired only to cover what lay within their own Bounds; that altho' Mr. Winthrop left the Charter open towards New Haven, with a View to have its Limits settled more or less Westward, as the King's Commissioners might think fit, and New Haven agree; yet it could never have been his Intention, or that of the Crown, to include New Haven without their Consent, much less to pass over all the Dutch Settlements and proceed to the South Sea, through immense Countries, then neither within the Knowledge nor Contemplation of the Crown; that there is nothing in the Charter to warrant such a Construction, nor any Breadth given nor Place of Beginning, except a single Line to be carried throughout, to the other Sea; that if such a Construction could be admitted, and Lord Say and Seal's Grant be taken in to supply the defective Limits of the Connecticut Charter, the granted Premises would be carried far North of Pennsylvania, mixing with the other New England Grants, and sharing in their Confusion; that if, rejecting Lord Say and Seal's Grant, after the Services it has done them, they should plead the Settlement made by the Crown, for remedying this Confusion and Defect of Limits, they must then adhere to such Settlement, as being absolute and final; that if they reject one Line of the said Settlement, they must reject the whole; and, in such Case New Haven Colony will be in no Charter at all—Connecticut must return to what would have been its original Limits, and can claim no Lands Westward of Connecticut River.

The Connecticut Commissioners have admitted this in their Letter to Governor Penn, December 18, 1773, and Say that a Settlement of their Limits became necessary, on Account of

the * Dutch Possession of that Territory, which "was after-"wards granted to the Duke of York—a Possession which oc-"casioned its being excepted out of the original Grant to the "Council of Plymouth, and, in Fact, prevented it's being ever "vested in the Crown, until the Conquest thereof by Col. "Nichols in August 1664. As that Territory, therefore, was not "in 1662, in the Crown to grant, no Part of it could pass by "the Patent to Connecticut."

Now the Country granted to the Duke of York extended, as has been shewn, to the West Side of Connecticut River, and therefore those Gentlemen admit that nothing to the Westward of that River passed by their Patent. If then the Crown, in order to save the Possessions of the Dutch, intended to pass nothing to Connecticut, West of that River, can it be imagined that any Thing was intended to be passed or granted, through immense Tracts of Country behind the Dutch Settlements, and cut off by them from any immediate or direct Communication with the Sea? Had this been intended, why did the Crown stop Connecticut Charter by a Northerly Line, from Mamaroneck to the Massachusets, after becoming vested with the whole Country, from the Sea throughout? Why did not Governor Winthrop remonstrate to the Crown-Commissioners, upon the Impropriety of splitting his Grant into two Parts, by erecting intermediate Governments within it? Why did he not represent that only a single Jurisdiction was given to the Governor and Company of Connecticut; and that the Grant would thus be defeated in the Main, by splitting it in such a manner, as that Government could not be administered in it, without separate Jurisdictions? Why did he not insist on his Grant being kept entire, and carried quite through what is now the Province of New-York? The Patent to the Duke could not stand in his Way; for none of the Dutch Possessions had passed by that Patent, any more than by the Patent to Connecticut, both being granted before the Conquest. And the

*In order to pave the way for this Argument, namely, that it was not the original Uncertainty of Limits in the Connecticut Charter, but the Pre-occupancy of the Dutch, that made the future Settlement of Limits by the Crown Commissioners necessary; the Author of the Susquehannah Case says that by the Charter from Charles II, "all the "Lands were granted, &c. saving what might then be actually pos-"sessed or inhabited by any other Christian Prince or State"—a Saving, which, that I might argue from his own Premises, I have allowed. But there is no such "Saving" in the Connecticut Charter; and the Author would have taken it ill, if to serve the other Side of the Question, it had been said, that such a Saving was intended when not expressed.

Preference was due to the latter, as being two Years older. If Mr. Winthrop had entertained any such Idea concerning the Extent of his Patent, can it be imagined that he would have put his Hand to such an absolute and explicit Settlement of Bounds, as that inserted above? It is utterly improbable, and I am wearied with pursuing a Notion, so chimerical and Void of all Foundation!

But it will be asked in the last Place—if such be the true Construction of the Charter, what must be done with the Words—"and in Longitude, as the Line of the Massachusets "Colony, running from East to West, that is to say, from the "said Naraganset Bay on the East, to the South Sea on the "West Part?"

I answer, that with Respect to the Word Longitude, it must share the same Fate with the Word Latitude. If the latter has been rightly explained, the former may be easily understood. Longitude can only mean Length; and the Words, "on the "West Part," favor this Exposition. And, even in a geographical Sense, I believe it cannot easily be said, whether both the Length, and also the geographical Difference of Longitude, commonly called Departure, may not be at least as great by preserving the Breadth, as by sacrificing it.

With Respect to the Words—running "as the Line of the "Massachusets, &c." the Colony of Connecticut may make the most of them. We leave the Lines of both Colonies, as they ought to be, in the same Predicament; and believe that neither of them were ever intended, nor will ever be suffered, to cross the Lines of New-York, or what was reserved by the Crown as the old Dutch Rights. The Lines of the Massachusets, which are explicit, and have two Places of Beginning upon the one Sea, have been long since stopped by the Crown, without running far on their Way to the other Sea. The Lines of Virginia, which extended also from Sea to Sea, have shared the same Fate, and have been abridged in every Direction. All the Remonstrances of that ancient Colony and respectable Dominion, were of no Avail to prevent Lord Baltimore's and other Crown Grants, from being taken out of the old Virginia Patent. At a Meeting of the Privy Council, July 3, 1633, we find under their Consideration—"the Petition of the Planters "of Virginia, remonstrating that some Grants had lately been "obtained of a great Proportion of Lands and Territories "within the Limits of the Colony there—And a Day was or-"dered for further hearing of the Parties, who are said to be "the Lord Baltimore, and the said Adventurers and Planters "of Virginia." In the End, "Lord Baltimore was left to his "Patent, which had been passed the Year before; and the said

"Planters were left to the ordinary Course of Law"—which certainly would have given them a Remedy against the Patent, if his Majesty had not been vested with a Right to pass it.

Col. Beverly says that "this Precedent of my Lord Baltimore's Grant, which entrenched upon the Charters and Bounds of Virginia, was Hint enough for other Courtiers (who never intended a Settlement, as my Lord did) to find out something of the same Kind to make Money of; and was the Occasion of several large Defalcations from Virginia, a few Years afterwards"—

It would be needless to mention the Defalcations, made also from the Massachusets ancient Claims, and many other Transactions of the Crown in America; which, as observed before, has always been considered as having the sole Right of regulating the American Grants, according to Equity and what was their original Intention; namely, the Settlement of the Country under separate Jurisdictions of practicable Extent; and not the Reservation of immense Tracts through distant Generations, to be parcelled to for the Convenience, and under the Wing, of any particular Colony.

Connecticut has the least of all Claims, nay not even the Shadow of a Claim, for any Thing of this Kind. For if its Charter could carry any Thing to the South Sea, it would only be a Line "from Naraganset Bay on the East, to the South "Sea on the West Part," and not any Breadth of Country. Nay, before that Charter was three Months old, it suffered an Amputation by the Authority of the Crown. The subsequent Rhode-Island Charter is extended twenty-five Miles into that of Connecticut, and Paukatuck River is ordered to be the Eastern Bounds of the latter, "any Grant or Clause therein to the "Contrary notwithstanding"—And the Crown Commissioners accordingly did * about three Years afterwards order a "Line to be drawn Northerly from "the midst of the Road going over said Paukatuck River;" which Line was then fixed, and remains their Eastern Boundary to this Day. And, thus we see the Crown, thought it had Power to limit them on the East as well as West Side, and in both Cases so absolutely, that they acquiesced in those Bounds till now. And, here it is worthy of being repeated, that from both Ends of their front Line the Crown set them off Northerly, or at about right Angles to the Shore, as required by

Appendix No. IX.

* It is true that Mr. Winthrop, after his Charter was passed, is said to have agreed to this Amputation; but if his Refusal could have prevented it, there is no Probability that he would have parted with a Breadth of twenty-five Miles throughout, after having got it at first included in his Grant.

Lord Say and Seal's Grant; by which they then claimed to have their own Charter regulated and explained. By what Rule, then, they can now claim a Western Course from the Shore, remains to be accounted for by themselves.

Douglas had the very same Idea (which is here expressed) of the Course or Direction of the Connecticut Lines, viz—that they were to run Northerly from the Shore; and that their South-Sea Line was only meant as an Extent to the Massachusets Line. Speaking of Lord Say and Seal's Grant, he says—"it run, as the Sea Coast, forty Leagues towards Virginia, and East and West from Sea to Sea, or to the Massachusets South Line."

Hutchinson acknowleges that, by the Extension of the Massachusets Line to the South-Sea—or until it meets the Settlements of some Christian Prince, it has been urged that an actual passing from Sea to Sea was not imagined; but "that it was so expressed from a particular Regard to the Dutch Settlement, and that a Line to extend (even) to the Spanish Settlements, was too extravagant to have been intended." He adds what gives great Weight to this Construction—"The "Geography of this Part of America was less understood than "at present. A line to the Spanish Settlements was imagined "to be much shorter than it really was. Some of Champlain's "People, in the Beginning of the last Century, who had been "but a few Days March from Quebec, returned with great Joy, "supposing that, from the Top of a high Mountain, they had "discovered the South Sea."

We all know what were the original Motives of our Ancestors, in the first Adventures to America. The Mines of Peru and Mexico had raised the Attention of Europe. All the Lands towards the South Sea, were considered as rich Repositories of the precious Dust; and other Nations were desirous of sharing with the Spaniards in the Golden Harvest. The Extent of this Northern Continent was not known. It was considered as a Sort of Isthmus, not much wider perhaps than that of Darien; and the Voyages of the Circum-navigators had been in such a Tract as not to discover the Mistake.

In the Year 1608, the great Council of Virginia considered their Country as a Sort of Isthmus of this Kind. They fitted up, in England, "a Barge for Capt. Newport, for Convenience of Carriage, to be taken into five Pieces; with which he and his Company were instructed to go up James's River as far as the Falls thereof, to discover the Country of the Manakins; and from whence they were to proceed, carrying their Barge beyond the Falls, to convey them to the South-Sea: being ordered not to return without

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a Lump of Gold, a Certainty of the said Sea, or one of the lost Company sent out by Sir Walter Raleigh."

The South-Sea was therefore put into the great original Patents of North and South Virginia, being considered as not very remote from the other Sea, and with a View of keeping up our Claim to the golden Country. And, out of these great Patents, the Word South-Sea was copied into the derivative Grants; but certainly not with an Intention of vesting any of the Grantees with a Country, afterwards found to be at least three thousand Miles across.

As to the Colony of Connecticut, to which I now return, I have made it clear that they never had any Idea of such an Extent to their Charter, at the Time of obtaining it; and I shall now proceed to shew what has been their constant Sense of its Limits and Extent, from that Time downward through a whole Century.

And first I would repeat, what hath been already observed, that it is a mere modern Notion, that the Settlement of the Connecticut Western Limits by the Crown Commissioners in 1664, was made necessary, not through any Defect of Limits in the Charter itself, but on Account of the Duke of York's Patent, to which only that Settlement had a Reference.

It appears by the King's Letter, sent to Connecticut itself with the Royal Commission, that Mr. Winthrop, when he obtained the Connecticut Charter in 1662, was made acquainted with the Intention of sending Commissioners to New-England, to settle their long-contested Limits; and those of Connecticut must have been included among the rest; for that Colony had been particularly involved in Disputes about Bounds with its Neighbours of Rhode-Island, Massachusets, New-Haven, &c. The Duke's Patent could not then have been in View, as it had not an Existence till two Years afterwards. The King's Letter begins thus—

"Charles Rex,

"Trusty and well beloved—We greet you well, having, ac-
"cording to the Resolution We declared to Mr. Winthrop at
"the Time when We renewed your Charter, now sent those
"Persons of known Abilities and Affection to Us, viz. Col. Rich-
"ard Nichols, &c."

This Letter is not entered at large in the Connecticut Records; probably because it differed in nothing, but this Introduction, from the circular Letters of the same Date sent to the other New-England Colonies; and which expressly mention the Settlement of Bounds, &c as the Design of the Commission.

But to proceed—When Bounds were thus fixed, and New-

Haven claimed the Merit of having suffered the Connecticut Patent to be extended so far Westward, we find the Connecticut People now venturing to speak out, and declaring what had always been their Expectation with Respect to the Extent of their Western Bounds—Their Words are worthy of being remarked—They give New-Haven to understand "that the good Issue obtained—their Success for Patent Bounds with the King's Commissioners, was not Debtor to the Silence of New-Haven;" but that the Bounds were only what they had hoped for—"Seeing those Plan-"tations you inhabit (meaning New-Haven) are much about "the Center of our Patent, which our Charter limits." Here we see them exulting in the good Issue and Success of getting their Patent carried so far Westward, without any Idea of ever going further; nay, calling New-Haven the Center of their Patent; or, as they afterwards express it, the Heart of their Colony.

Appendix, No. XXIII.

This was written about three Weeks after the Settlement of their Bounds by the King's Commissioners, and contains the earliest and fullest Acknowledgement that the Extent of their Patent Westward, "was limited" by that Settlement; for how else could New Haven be about the Center of their Patent? Were they to run their Patent to the South Sea, would the New Haven Plantations be its Center? On the Contrary, New Haven would lie in the angular Point of the same, and more than fifteen hundred Miles from its Center, if they run to the South Sea in any Direction but North North-West; and then indeed it would be about the Center of their Sea Front, but as far as before from the Center of their Patent.

Thus far as to the Sense which the old Hartford Colony had of the Extent of their Patent. New-Haven Colony, at the same Time, declared their Sense of their Western Bounds. "It was "conluded," say they, "at Hartford, in 1650, by the Commis-"sioners of the four United Colonies, that "Greenwich and twenty-four Miles beyond it, "should belong to New-Haven Jurisdiction; and thus were our "Bounds Westward settled by Consent of all."

Appendix No. XX.

Hartford and New-Haven Colonies, being henceforward united under the general Name of Connecticut Colony, we find them, about the Year 1680, and before the Grant to William Penn, answering Questions, put to them by the Board of Trade, concerning their Bounds, &c thus

Qnest. What are your Bounds?

Ans. "The reputed and known Boundaries are—Massa-"chusets on the North, Rhode-Island Colony on "the East, Long-Island Sound on the South, "and New-York Province on the West."

Appendix No. XI.

Quest. What are your Rivers?

Ans. "Between the Naraganset River, our Eastern Bounds, "and Mamaroneck Rivulet our Western Bounds, are these "Rivers following--the River Connecticut, the Pequot River, "and the River at Stratford.—"

Here we see them, in an Answer to his Majesty's Ministers, expressly limiting their Charter Bounds North, South, East, and West, making no Claim or Reservation over. They mention their Eastern and Western Bounds twice over, and both Times absolutely. New York Province and Mamaroneck Rivulet are as much their Western, as Naraganset River is their Eastern Bounds. In their Answer to the first Question, it may be said, because New-York Province is mentioned, they meant their Western Bounds only in respect to that Province. But what reasonable Man would put that Construction upon Words delivered in such absolute and explicit Terms?—"New-York Province is our Bounds on the West." And when they mention their Western Bounds over again, in their Answer to the second Question, without any Relation to New-York, they give Rivers as their Bounds, viz "Naraganset River is our East-"ern Bounds, Mamaroneck Rivulet our Western Bounds."

Further, when they enumerate the Rivers within their Colony, they mention as all their Rivers, only those falling into the Sea and Sound between Naraganset and Mamaroneck. They surely knew, in 1680, Delaware, Susquehannah, the Allegeny, and many of their great Branches, had they then thought that their Western Bounds were not absolutely fixed by the Limits which they had already mentioned.

March 4th, 1681. Charter of Pennsylvania.

Upon this and other sufficient Knowledge, that Connecticut neither had, nor claimed, any Right beyond the Limits fixed by the Crown-Commissioners, the Royal Charter of Pennsylvania past, bounded Northward unto the three-and-fortieth Degree of Northern Latitude and extending Westward five Degrees in Longitude, to be computed every Way from Delaware the Eastern Bounds. It was well-known to the Crown, that this Grant could never come near the fixed and acknowleged Limits of Connecticut, but that Part of two Provinces lay between them. This Grant was made to William Penn, agreeable to his Petition, on Satisfaction for large Debts due to his Father, and as the Patent further expresses, "in Regard to his Memory and Merits in divers Services." The Intention of the Grant hath been answered, and the Country settled and improved with a Rapidity never equalled in any other Country in America, or perhaps in the World, during the same Space of Time. Connecticut saw the Grant passed, the Country settled under it, some Parts of it

(towards the Minisinks) near forty Years ago, farther Northward than where they have now made their Intrusions; and yet neither at passing the Grant, nor for near a hundred Years after obtaining their own Charter, did they make any Claim of Lands within the Limits of Pennsylvania. And now, when they have made this Claim, I would ask them, Whether they remember their own Arguments, in a similar Case, that concerned themselves; and whether, by deserting those Arguments, they will not bring their own Charter into imminent Danger?

Appendix No. X. Duke Hamilton's for Part of Connecticut.

All those Lands between Naraganset Bay and Connecticut River, sixty Miles back into the Country, which the King granted to Connecticut in 1662, had been, twenty-seven Years before, granted by clear and express Limits to the Duke of Hamilton. In 1665, they came to defend themselves against the Duke's Right before the Commissioners of the Crown; and one of their chief Arguments, was the Duke's Silence, as to his Right, for only thirty Years.

"We have had peaceable Possession," say they, "these thirty "Years, free from the least Claim of any other, that we have "heard of, to this Day; which persuades us, that if the Duke's "Highness had ever Right by Virtue of his Grant, yet that "Right is extinct in Law many Years."

Sir Francis Pemberton, afterwards one of the Justices of the King's Bench, gave an Opinion in Favor of "their long uninterrupted possession, &c." and they hold the Lands to this Day.

But will they put a thirty Years Silence in Competition with that of a whole Century? Nay, more than a Century, so far as to any public Act of their Colony, claiming in Virtue of their own Charter.

In 1754, when they first sat down on some of the Susquehanna Lands about Wioming in this Province, their Proceedings were disclaimed by their own Colony. Their Governor Wolcot writes thus in answer to Governor Hamilton on that Subject—

WINDSOR, *March* 13, 1754.

—"There being now no unimpropriated Lands with us, some "of our Inhabitants hearing of this Land at Susquehannah, "and that it was North of the Grant made to Mr. Penn, and "that to Virginia, are upon a Design of making a Purchase "from the Indians, and hope to obtain a Grant of it from the "Crown. But Mr. Armstrong informs me, that this Land is "certainly within Mr. Penn's Grant—if so, I don't suppose our "People had any Purpose to quarrel with Pennsylvania. In"deed, I don't know the Mind of every private Man; but I

"never heard our leading Men express themselves so inclined."

The rest of this Letter relates to other Matters, excepting only that it recommends the Connecticut People, as Persons who being used to War would be of good Service on the Frontiers, if they could get Lands under Pennsylvania or Virginia.

Lieutenant Governor Fitch, in a Letter, dated Hartford, March 13, 1754, also writes thus—

—"I do well approve of the Notice you take of the Attempt "some of the People of this Colony are making, and the Con-"cern you manifest for the general Peace, &c. I know noth-"ing of any Thing done by the Government to countenance "such a Procedure as you intimate, and, I conclude, is going "on among some of our People—I shall in all proper Ways, "use my Interest to prevent everything that may tend to pre-"judice the general Good of these Governments, and am in-"clined to believe this wild Scheme of our People will come to "nothing, though I can't certainly say.

In a second Letter, dated Norwalk, Dec. 29th, 1754, Mr. Fitch, now Governor in Chief, writes thus to Governor Morris—

"I should be glad it was in my Power to do more Service "than I am at present able to afford, to prevent the ill Conse-"quences you have so well pointed out, as proceeding from "the * Purchase of those Lands on Susquehannah, in the Man-"ner in which some People of this Colony have presumed to "act—When Governor Wolcot made public Governor Hamil-

*The Purchase referred to, (in the above Letter from Governor FITCH) which some people of Connecticut had presumed to make from the Indians, without any Application to, or Authority from, the Government of that Colony, is said to have been "about seventy Miles North and South, and from about ten Miles East of Susquehannah, extending Westward two Degrees of Longitude," being the 42d Degree of North Latitude, and therefore wholly within the limits of Pennsylvania. That this Purchase was void in itself, and fraudulently obtained from such Indians as agreed to it, there is ample Proof to be exhibited on the Part of Pennsylvania, if such Proof should ever be thought Material in the present Dispute. The Indians in full Council, at solemn Treaties since held, have borne their Testimony with the highest Indignation against this fraudulent Purchase, made by some People of Connecticut; considering the pretended Sale in its just Light, namely, the Act of a few Indians, who without any Authority for the same, were persuaded when under the Influence of Liquor, to put their Hands to a sort of Deed. The person who managed this Intrigue is said to have abjured the Protestant Religion, and was then strongly suspected to be in the French Interest. The great Council of the Indians well knew, that by repeated Treaties, they had it put out of their Power to sell any Lands within the Royal Grant of Pennsylvania, to any Persons but the Proprietors of that Province.

"ton's Letter about this Affair, I imagined it would have dis-"couraged the further proceeding in this Matter—I know of "no better Way with us at present than to represent the State "of the Case in some public Way, by which all Persons con-"cerned, may see the Consequences of such a Procedure."

Thus we see that for almost a whole Century, Connecticut, as a Colony, has never thought of any other Western Limits than the Lines fixt by the Crown, from about Mamaroneck to the Massachusets Line: and that as late as the Year 1754, it appears by Letters, under the Hand of two of their own Governors, that no public Design had ever been formed of interfering with the Limits of Pennsylvania.

Mr. Hazard's first Project for a new Colony.

When Mr. Hazard first set this Scheme on Foot, his Settlement was to begin "one hundred Miles Westward of the Western Boundaries of Pennsylvania; and thence to extend one hundred Miles Westward of the River Missisippi;" and also to be a new Colony, as appears by, his Petition to the General Assembly of Connecticut, and his printed Articles, dated May 2, 1755. The General Assembly of Connecticut did not pretend that they had any Right of themselves, to grant or settle those Lands, or erect any Government in them; "but humbly recommended the said "Samuel Hazard and those who may undertake with him—to "his sacred Majesty's gracious Notice and Favour—if it may "be consistent with his Royal Wisdom and Pleasure, to order "and direct the Settlement of such a Colony—and grant unto "the said Petitioner, &c. such Lands, Rights, &c."

If, therefore, they had no Right of themselves, without a new and Royal Grant, to settle Lands or erect a Government within the pretended Limits of their Charter, in Lands Westward of Pennsylvania, which remained in the Crown; how can they pretend any Right to Lands in Pennsylvania granted by the Crown near one hundred Years ago, and no Objection then made by them?

Indeed it appears by an Act of their Assembly passed the same Year, viz. 1755, in favor of what was called the Susquehannah Company, and where Lands in Pennsylvania were the express Object of the Settlement, that they did not even then pretend a Right of themselves to grant those Lands, or erect any Government or Jurisdiction, but in the same Way, and almost in the same Words, recommended the Petitioners to his Majesty—"that if it should be his Royal Pleasure to grant said Lands, and thereon erect and settle a new Colony, in such Form and under such Regulations as might be consistent with his Royal Wisdom, they take Leave humbly to recommend the Petitioners to is Royal Favor in the Premises."

Appendix No. XXV.

Appendix No. XXVII.

The Consequence was what might be expected. The application was rejected as chimerical, the Crown being divested of the Lands long before; and they were soon afterwards ordered to withdraw their Settleement, which they did; but not without being put into the utmost Terror by the Indians, who had never given them any Right to settle the said Lands.

The last Evidence I shall mention of what the Colony of Connecticut has ever held forth to the Public as their own Bounds, is a Map published, Nov. 24, 1766, under their own Direction, and, it is said, at their Expence; dedicated—"To "the Right Honorable the Earl of Shelburne, his Majesty's "principal Secretary of State, &c."

This Map or Plan is divided into Counties, Townships, &c. and underneath is written as follows;

"EXPLANATION."

"The Colony of Connecticut is bounded West on the Pro-"vince of New-York; North on the Province of the Massa-"chusets Bay; and East on the Colony of Rhode-Island."

But what has happened in this Case, is not without Precedent. Men of sanguine Tempers, who often start a Notion merely as a Point of Speculation, will think and talk so much about it, as, at length, to persuade themselves into a firm Belief of the Reality of what is, all the while, merely the Creature of their own Brain. Strange as it may seem, I am almost tempted to believe, that some of the Connecticut Leaders in the Susquehanna Scheme, have at last brought themselves to think, that, besides breaking through the Charter of Pennsylvania, they can extend their own lame and weak Charter, not only over the Western Crown Lands and Crown Conquests, but also over whatever the Crown may in future conquer or acquire from the Natives, or any European Powers, quite across to California and the South-Sea.

With great Pains, golden Promises, and the Help of some Law-Opinions procured, as I shall shew, on a partial and wrong State of the Case, (and after all nothing to their Purpose) many Persons of little Property have been drawn to their Side, and even a Majority at last got in their Assembly, who have ventured upon Resolves, and a legislative Act, of a little bolder Nature than those of 1755.

Not content, as heretofore, with advising an Application to his Majesty for Lands one hundred Miles West of Pennsylvania, or for re-granting to them Part of Pennsylvania itself, they seem now resolved to do all in their own Right, by open Force, and under Color of their Charter, not only making Settlements, but exercising Jurisdiction, far beyond what has been

so long their fixed and acknowledged Bounds. This, as far as I can understand them, seems to be the Purport of the late Resolves and Acts of their Assembly. And if I am right in this Construction, which their Conduct will soon shew, I think it will speedily bring their Charter to the Test; which is, indeed, the only Fragment of all the old impracticable New-England Charters now left; and it is high Time (for the Peace of America) that we should know where, or in what, its Strength lies? Or, whether immense Tracts of Country are to be left open, through many Generations, for Claims or Settlements to be made by the unborn Progeny of Connecticut? It is to be hoped, that the Decision of this may not be left for future Times; else it may be probably written in Blood!

The Resolves referred to, are as follows, viz.

"At a General Assembly of the Governor and Company of "the Colony of Connecticut, in New-England, in America, "holden at New-Haven in said Colony, on the second Thurs-"day of October, 1773."

"Resolved, That this Assembly at this Time will assert their "Claim, and in some proper Way support such Claim, to those "Lands contained within the Limits and Bounds of the Char-"ter of this Colony, Westward *of the Province of New-"York."

A true Copy of a Record; examined by

George Wyllys, *Secr.*

"Resolved by this Assembly, that the Committee who shall "proceed to Philadelphia, to treat with the Honourable John "Penn, Esq; Governor of Pennsylvania, relative to the West-"ern Lands belonging to this Colony, within the Claim of the "Proprietaries of the Province of Pennsylvania, do also treat "with the said Governor, with Respect to the Peace of the In-"habitants settled upon said Lands, and to agree upon such "Measures as shall tend to preserve good Order, and prevent "mutual Violence and Contention, while the Boundaries be-"tween this Colony and the said Province shall remain unde-"termined."

Dated and attested as above.

The Act of Assembly is of the same Date and appoints "the "Honourable Matthew Griswold, Eliphalet Dyer, Roger Sher-"man, William Samuel Johnson, Samuel H. Parsons, Silas Dean, "William Williams, and Jedidiah Strong, Esqrs. to be a Com-"mittee to assist his Honour Governor Trumbull in stating "and taking proper Steps to pursue the Claim of this Colony

*This is the first public Instance in which Connecticut ever mentioned any Western Bounds, but the Province of New-York itself.

"to the Westward Lands: and any three of them to proceed "to Philadelphia," for the Purposes mentioned in the foregoing Resolve -that is, "to treat with Governor Penn, and the "Agents of the Proprietaries of Pennsylvania, respecting an "amicable Agreement, concerning the Boundaries of this Col-"ony and the Province of Pennsylvania; and in Case they shall "agree, to ascertain the Boundaries between this Colony and "the Claim of said Proprietaries, to lay such Agreement before "this Assembly for Confirmation; but if said Proprietaries "shall prefer joining in an Application to his Majesty for Com-"missioners to settle said Line, then said Committee are au-"thorized and directed to join in Behalf of this Colony in such "Application."

The Colony of Connecticut seem to have ended where they should have begun, and to have acted much the same preposterous Part, which New-Haven accused their Fathers with acting, from the first Moment they became vested with a Charter; viz. first to "lop off an Arm, a Leg, &c, from their Neigh-"bour, and then propose treating with him about Peace" -They first endeavoured to get those Susquehannah Lands lopped off from Pennsylvania, by an Application to the Crown, and failed in the Attempt—They then sit down upon them by Force, even Southward of where their Lines would probably ever reach, were they to be suffered to extend them Westward, agreeable to what they have hinted, would abundantly satisfy them and lastly they now offer to treat, and keep Possession.

The Gentlemen who came to Philadelphia, in pursuance of the Appointment of the Assembly, were Col. Dyer, Dr. Johnson, and Mr. Strong. Their Negotiation was chiefly managed in Writing, and with much mutual Complaisance; but the Issue of it was what might have been expected—

Governor Penn told them that he knew of no Lines that could be the Object of a Negotiation between him and them; that their "Western Bounds had been fixed about two Years after "the Date of their Charter, under the Authority of a Royal "Commission, and solemnly assented to, ratified and confirmed "by the Governor and Commissioners of their own Colony; "that, after this Settlement, the Grant of Pennsylvania was "made to William Penn, and that it was not understood at "that Time by the Crown, nor by the Grantee William Penn, "nor by any other Persons since, so far as he had heard, that "the said Grant any Way intrenched upon, or approached "near, any of the New-England Grants, till the late Claim "was set up on the Part of Connecticut; and that he could not "enter into any Negotiations about Lines, without giving their "Charter a Construction and Extent, different from what has

"been determined to be the Sense of other Charters of the like "Kind, nor without allowing its Limits to extend far beyond "those heretofore fixed by the Royal Authority; that he could "not join with them in an Application to the Crown, for an "Appointment of Commissioners to settle Lines or Boundaries. "because that would be admitting what he totally denied, "namely, that the Lines of Pennsylvania and Connecticut in- "trenched upon, or interfered with, each other; that his Ma- "jesty in Council, was the only proper and constitutional Tri- "bunal, for a Decision of this Kind; that he was earnestly "desirous of bringing the Matter speedily to this Issue, upon "such Petition as they might prefer to his Majesty; and that "if there should be any Delay on their Part to exhibit such "Petition, the Proprietaries of Pennsylvania will immediately "make their Application to his Majesty, to take the Matter "under his Royal Consideration; and that, in the mean Time, "the only proper Method to preserve Peace, will be for their "Colony to use all possible Means for withdrawing their People "from those Settlements, which they have made in a lawless "and violent Manner, within the known Bounds of Pennsyl- "vania."

As to the Charge in the last Part, nameiy, the lawless Manner in which the Connecticut People had settled upon Lands within this Province, the Commissioners replied, that the "Violences which had commenced, were perhaps on neither "Side justifiable in the Degree, but on both Sides founded on "a real Idea of Right and that Connecticut had been advised "that they could not try their Right, but upon the Ground of "an actual Possession, which should put the Proprietaries to "such an Action at Law for the Recovery of the Possession, as "might bring the Title in Question." In their Letter of Dec. 24th, they offered sundry Arguments in Support of their Claim; to which Governor Penn did not think any reply necessary, as it could not tend to the Settlement of a Matter that must come before another Tribunal, if the Colony of Connecticut shall persist to support those Intrusions.

Most of the Arguments made use of by the Connecticut Commissioners, are I think fully answered in this Work; which would be swelled to too great a Length, if I were to insert their Papers entire; and I would not attempt any Abstract or Abridgement of them, lest I may be thought not to do them Justice. I should have been glad to have seen the excellent Temper and Abilities of their Penman engaged in another Cause; but he probably undertook this as the Cause of his Country, and in Deference to its public Determinations.

But altho' such at last have been those Determinations, it

is certain that a very large and respectable Part of the Colony view them in the Light wherein they are considered by one of their own * Writers; namely, as leading their Government into a Controversy "that will bring them under a heavy Load "of Expence, which they are not able to bear, without the "most distant Prospect of Success; and which, if obtained, "would be of no real Advantage, as it would drain the Colony "of its Inhabitants, lessen the present Value of their Lands, "and involve them in inextricable Difficulties, with Regard "to the Exercise of their present Form of Government, which "could not be exercised in so extensive a Territory. He re-"minds them further that this Dispute will not be between "Connecticut and the Proprietaries of Pennsylvania; but be-"tween Connecticut and the Crown."

In what Sense the Crown has ever considered those impracticable South Sea Limits, may partly appear from the preceding Pages. There is not one of all those old Grants that can now claim its Parchment Boundaries. The Crown has molded them into reasonable Shapes and Dimensions, as their original Design and the public Good required. The great Plymouth Grant had hardly subsisted a Year, before it began to be curtailed by the Grants to Sir William Alexander and Sir David Kirk. For, as Harris tells us, "it was suggested to King James, that "as the Tract of Country (within the Plymouth Grant) be-"longing to his Crown, was not likely to be planted in any "reasonable Space of Time by the English, or Western Com-"pany, it would be a prudent Measure to grant, under the "great Seal of Scotland, a Part of it to his Subjects of that "Country."

But further, what will become of the Connecticut Claim, if it can be shewn that even all the Province of Pennsylvania was granted by the Crown, 40 Years before Connecticut had any royal Grant? and yet this is certanly true. About the Year 1623 Sir Edmond Ployden obtained such a Grant, by the Name of New Albion, from the 39th Degree of Delaware Bay, for 200 Miles towards New England.—Sir Edmond made divers Efforts to dispossess the Dutch, &c. and plant Delaware Bay, and the Bounds of his Claim are very particularly described in a Pamphlet published in 1648; viz. "Beginning at Aquats, or the Souther-"most or first Cape of Delaware Bay, running three hundred "Miles due West, and thence Northward to the Head of Hud-"son's River fifty Leagues, and so down Hudson's River to the "Ocean, and thence to the Ocean a cross Dela-"ware Bay, with all Hudson's River, Long-Is-"land, or Pamunke."

Smith's History of New-Jersey.

* Connecticut Journal, Dec. 3, 1773.

This Grant, which was intended to include all the Dutch Claims, was the Foundation of the Duke of York's Grant. And it is a Mistake to think that the Duke's Right in the Dutch Country West of Delaware, was considered as limited to the District which he sold to William Penn. It was even thought prudent to obtain from his royal Highness, a Release of the Province of Pennsylvania itself.

But that Connecticut, or any of the New England Colonies, could extend their Lines into those Western Parts, was never imagined. On the Contrary, at the Time of passing the Pennsylvania Patent, it is well known that, upon the ablest Law Advice given to his Majesty, "the Tract of Land desired by Mr. Penn was considered as undisposed of, and the New England South Sea Lines were declared to be imaginary and impracticable."

In the Year 1690, Dr. Cox proposed a Plan, and had a Charter drawn, for a new Colony to "be from 46°. 30′ North Lat. to 36°. 30′. and to extend all along the Back of Massachusets, *Connecticut*, New York, Pennsylvania, and Virginia, and from thence Westward to the South Sea."

Sir George Treby, Attorney General, the same who advised Connecticut to resume their Charter, after its Surrendry, advises the King "that having perused Dr. Cox's Draught of a "Charter, he conceived their Majesties might erect such a Cor-"poration as was proposed, and enable them to purchase "Lands and exercise Government in that Country." This would have cut the Connecticut South-Sea Lines very short, and shews what Sense this eminent Lawyer had of the Extent of the Charter of that Colony at the Time he advised them to resume it.

An eminent Lawyer of a neighbouring Province gave his Opinion in the following words to a Gentlemen of Connecticut, who consulted him upon the first Rise of the Susquehannah Scheme—

"For Connecticut to Claim any Part of what is West of the "Line confirmed by King William in 1700, may be of fatal Con-"sequence to its Charter, which it has long enjoyed without "any Enquiry into its Validity; but if they disturb New York, "New Jersey, or Pennsylvania, it of Course will set them to "enquiring into its Validity, and to bring it to the Test by "*scire facias*, or *quo warranto;* and if in the issue of these it "cannot stand the Test, then it may be adjudged void,—and "they by their Claims will have acted the Part of the Dog in "the Fable by catching at the Shadow, let go the Substance."

"When your general Court shall seriously consider this, I "believe they will think they have great Reason to thank who-

"ever advised them to beware of the Precipice, which they "must unavoidably have fallen into, by granting the Prayer of "that Petition with 400 Hands to it."

"I am clearly of your Opinion, that the first Settlement of "the Bounds of Connecticut in 1604, stopped all further Claim "westward, by Virtue of their Charter.—You was perfectly "right in refusing the generous Offers made to you to come in "with those Purchasers; for I believe those Proceedings will "be found not only riotous and disorderly, but a high Con-"tempt of the royal Authority."—

The original Letters, from whence these Extracts are taken, will be found in the Hands of Mr. James Brown of Norwalk, if yet alive.

The same Gentleman who gave this Advice to Mr. Brown, writing to Governor Morris of Pennsylvania, speaks thus of the Connecticut Claimants—"Vigorous Measures will be wanting "to nip this Affair in the Bud—Connecticut will amuse and "give good Words, till a great number be settled and then bid "Defiance." If this worthy Gentleman's long Experience had not justified what he has here said, I should have considered him almost as a Prophet.

But Connecticut, it seems, has since obtained some other Law Opinions, in Answer to certain Questions stated for that Purpose. These must also be noticed.

"*Question* 1. Do the Words *actually possessed and occupied*, "extend to Lands on the West Side of the Dutch Settlements, "which were at the Time of the Grant to James I. in a per-"fect Wilderness State, but divided from the English Settle-"ments by the actual Possession of the Dutch? And did the "Grant to the Council of Plymouth mean to except *in Favor* "*of Foreigners*, not only what they had actually planted, but "all to the Westward of such Plantation?"

"Answer. We are of Opinion, that the Words actually pos-"sessed and enjoyed do not extend to Lands on the West Side "of the Dutch Settlements, which were at the Time of the "Grant of James 1st, in a Wilderness State, though divided "from the English Settlements by the actual Possession of the "Dutch; and that the Grant to the Council of Plymouth did "not mean to except in Favor of any one, any Thing to the "Westward of such Plantations.

Observ. However learned Council may be, they can only answer upon the State of the Case before them. It ought not to have been made a Question, Whether by the Plimouth Grant, the Crown intended to except the Western Part of this Continent, beyond the Dutch Settlement, *in Favor of Foreigners?* for that was never pretended by any one.

There is a Difference between *excepting* and *granting;* and the Question should have been, Whether any Part of the Western Lands beyond the Dutch Settlements were ever granted, or could possibly pass, by the Connecticut Charter? This would probably have brought a very different Answer from the learned Council.

Question 2. "Have not the Governor and Company of Con-"necticut the Right of Pre-emption and Title under the Crown "to the Lands aforesaid, within the Limits and Bounds of "their Patent aforesaid, lying Westward of the Province of "New York, and not included in the Charter of King Charles "II. to the Duke of York, notwithstanding the several Settle-"ments of Boundaries between the Colony on the * East and "the Province on the West, made as well by Agreement be-"tween the Parties as under the Royal Authority, and not-"withstanding the subsequent Charter to Sir William Penn.

"Answer. The Agreement between the Colony of Connec-"ticut and the Province of New-York, can extend no further "than to settle the Boundaries between the respective Par-"ties, and has no Effect upon other Claims that either of them "had in other Parts; and as the Charter to Connecticut was "granted eighteen Years before that to Sir William Penn, "there is no Ground to contend, that the Crown could at "that Period make an effectual Grant to him of that Country, "which had been so recently granted to others. But if the "Country had been actually settled under the latter Grant, "it would now be a Matter of considerable Doubt, whether "the Right of the Occupiers, or the Title under which they "hold, could be impeached by a prior Grant, without actual "Settlement."

Observ. This Question, like the former is what the Logicians call Petitio Principii, and would have been needless if the first Question had been fairly stated. But the main Point in Dispute is here still taken for granted, viz.—That the Lands Westward of what was the Dutch Settlement and Claim, did pass by the Patent to Connecticut. Two different Points are also blended and confounded together, namely the primary Settlement of the Connecticut Bounds under the Royal Authority,

* These Words are so printed, and if they stand thus in the Original State of the Case, laid before the Council, it shews, how inaccurately that State was drawn up because it throws New-York East of Connecticut; or rather Connecticut West of New-York; and indeed they seem fond of going West.

and a subsequent * Agreement, if it may be so called, in 1683, whereby Connecticut did not acquire, but were obliged to yield Territory. Connecticut cannot call the first Settlement of their Bounds, in 1664, an Agreement, when they appeared, not to make a bargain, but only as humble Suitors before the Representatives of the Crown, empowered to settle the defecting Limits of their Charter, and fix its absolute Western Extent. This is evident from their own Language after the Settlement, which they call a good Issue, and Success in obtaining Patent Bounds. It required no Law-Opinion to determine, whether an Agreement with one Party (if there had been such Agreement) would barr their further Rights with respect to another. But it was worthy of being made a Question, Whether they now have or ever had, any further Rights?

"Indeed if ever they had such Right, the learned Council make it a considerable Doubt whether that Right would not now be extinct by an actual Settlement under a latter Grant.

And that such Settlement has been actually made near forty Years ago, under Mr. Penn's Grant, within what is now the Connecticut Claim, is undeniable, as has been already observed.

"*Question* 3. What Course of Proceedings will it be legal "and expedient for the Governor and Company of Connecti- "cut to pursue, on the whole State and Circumstances in "this Case, in order to terminate all Disputes and Differences "relative to said Land?

"Answer. In Case the Governor and Company shall in Point "of Prudence think it expedient to make their Claim and sup- "port it, it will be proper, either amicably, and in concurrence "with the Proprietaries of Pennsylvania, or in Case of the Re- "fusal of those Proprietaries, without them, to apply to the "King in Council, praying his Majesty to appoint Commis- "sioners in America, to decide the Question, with the usual "Power of Appeal.

E. THURLOW,
AL. WEDDERBURN,
RD. JACKSON,
J. DUNNING."

Observ. This Question is not material, as it relates only to the mode of prosecuting their Claim, still supposing it justly

* It having been found, as before observed, that the Line, which the Crown Commissioners had been persuaded to fix for Connecticut, would cross Hudson's River; New-York afterwards obliged Connecticut to begin at Byram Brook, about seven Miles Eastward of Mamaroneck, and run such Course as would keep twenty Miles distant from Hudson's River; which made their Place of Beginning to about the same Place where it had been fixed in 1650 with the Dutch.

founded. But the Answer, has words in it of very material Import—viz. if in Point of Prudence, the "Governor and Com-"pany of Connecticut should think it expedient to make their "Claim, and support it." Whatever Opinion those learned Gentlemen may have given, on the State of the Case before them, with Respect to the Point of Law, their Idea, as to the Policy of the Claim, is pretty clearly intimated. The Connecticut Claimants, it is believed, will not venture, on the footing of their Charter, to contend before his Majesty in Council, either for the Lands in Pennsylvania, or the Lands Westward of that Province to the South Sea. The Crown cannot give the former, without allowing them a Right to the latter, in all their Extent. Besides Defect of Limits, in its original State, that Charter has many other Defects, which it may be prudent and expedient for them to keep out of Sight.

Having taken this Notice of the Law Opinions, on which the Colony of Connecticut have rested their Claim; it is proper to give the Opinion of a truly eminent Lawyer on the other Side, which, it is presumed, will be thought to have been grounded on a fuller and more impartial State of the Case.

Opinion of the Attorney General, Now Lord Camden.

If all the Colonies in North-America were to remain at this Day bounded, in Point of Right, as they are described in the original Grants of each, I do not believe there is one Settlement in that Part of the Globe, that has not, in some Measure either been encroached upon, or else usurped upon, its Neighbours; so that, if the Grants were of themselves the only Rule between the contending Plantations, there never could be an End of their Disputes, without unsettling large Tracts of Land, where the Inhabitants have no better Title to produce, than either Possession or posterior Grants, which, in Point of Law would be superseded by prior Charters. Hence I conceive, that many other Circumstances must be taken into Consideration, besides the Parchment Boundary; for that may at this Day be extended or narrowed by Possession, Acquiescence, or Agreement; by the Situation and Condition of the Territory at the Time of the Grant, as well as by various other Matters.

With respect to the present Dispute, the Western Boundary of Connecticut was barred at the Time of the original Grant, by the Dutch Settlement; and the * Crown were deceived

*Since the Appearance of this Opinion, Connecticut has said, that the Dutch Country was excepted out of their Charter, and therefore there was no deception put upon the Crown in the Grant—But it is not true that there is any Exception of the Dutch Country out of the Charter, either expressed or implied.

when they were prevailed upon to convey a Territory which belonged to another State, then in Amity with the Crown of England. Besides this Objection, the Settlement of the new Boundary under the King's Commission in 1664, and what is still stronger, the new Line marked out by Agreement between this Province and New-York, has now conclusively precluded Connecticut from advancing one Foot beyond these Limits.

It was absolutely necessary for the Crown, after the Cession of New Netherlands, to decide the clashing Rights of the Duke of York and the adjoining Colonies; and therefore all that was done by Virtue of that Commission, then awarded for that Purpose, must at this Day be deemed valid; as the Nations have, ever since that Time, submitted to those Determinations, and the Colonies of New-York and Jersey submit only upon Authority of these Acts.

I am of Opinion, therefore, that the Province of Connecticut has no Right to resume their ancient Boundary, by overleaping the Province of New-York; or to encroach upon the Pennsylvania Grant, which was not made till after the Connecticut Boundary had been reduced by new Confines, which restored the Lands, beyond those Settlements Westward to the Crown; and laid them open to a new Grant. The State of the Country in Dispute, is a material State Reason why the Crown ought to interpose in the present Case, and put a Stop to this growing Mischief. But I doubt this Business cannot be adjusted very soon, because Mr. Penn must apply to the Crown for Relief, which Method of Proceeding will necessarily take up Time, as the Province of Connecticut must have Notice and be heard.

March 7, 1761. C. PRATT.

Upon the whole, I think it fully appears that the Claim of Connecticut Colony to Lands within the Limits of Pennsylvania, the forcible Possession which their People have taken of those Lands, and the Shelter yielded by them to the public Violators of our Laws; are measures so little warranted by their Charter, that the same may yet be found fatal to it.

I have endeavoured to treat this Subject with Coolness and Candor, and altho' I would have wish'd for more Time to digest the foregoing Arguments, I hope there is no material Inaccuracy in them.

Until a legal Decision of this Dispute, it is our Duty to maintain our Possession and Right, even if our Adversaries had a Colour for their Claim. But when they cannot have the least Hope of Success, but through some Concessions on our Part, it would be culpable to give Way. The Lands whereof they have possessed themselves, are chiefly private Property, taken up or

purchased by many Individuals in all Parts of the Province; and none among us can wish to see our Country dismembered, or so valuable a Part of it torn from us. On the Contrary, it must be the Desire of every Friend to Pennsylvania, to see its Laws and Constitution extended and supported, through its utmost Limits, while its Rivers run or Mountains endure! These were certainly the Sentiments of our Governor and Assembly, when they erected that Part of the Province into a new County; and even to imagine that every future Governor and Assembly, would not be actuated by the like patriotic Sentiments, would be injurious in the highest Degree!

APPENDIX.

CONTAINING COPIES AND EXTRACTS OF SUNDRY ANCIENT CHARTERS AND PAPERS REFERRED TO AS VOUCHERS, IN THE FOREGOING SHEETS.

Part I.

To the Reader.

The Author acknowledges himself indebted for this Appendix to a worthy Gentleman, long conversant in the Affairs of Connecticut; who, with a Candor becoming his good Sense, thinks that neither the Interest of that Colony, or of Pennsylvania, can be served by the Suppression of any Papers that can throw Light upon the Points in Question between them. He had collected the Copies and Extracts for his own Use, with some short Hints for connecting them: and I chuse to give them just as I received them, though some of them are not made any use of in the foregoing Work.

The first Paper taken Notice of in this Appendix, is the Grant from Earl Warwick to Lord Say and Seal and others. The Earl of Warwick was himself one of the Council of Ply-
1631. mouth, in the County of Devon, but it is said he had a Grant or Patent made to him, by King Charles I, and

that the same may be seen inrolled in the Petty-Bag Office in England.—His Deed to Lord Say and Seal and others, is entered at large on the antient Records of the Colony of Connecticut, with a Caption as followeth, viz.

No. 1.

A Copy of the old Patent for Connecticut.

"To all People to whom this present Writing may come, Robert, Earl of Warwick, sendeth Greeting in our Lord God everlasting.—Know ye, that the said Robert, Earl of Warwick, for divers good Causes and Considerations him thereunto especially moving, hath given, granted, bargained, sold, aliened and confirmed, and by these Presents doth give, &c. unto the right honourable William Viscount Say and Seal, the right honourable Robert Lord Brook, the right honourable Robert Rich, and the honourable Charles Fiennes, Esq; Sir Nathaniel Rich, Knt. Sir Richard Saltonstall, Knt. Richard Knightly, Esq: John Pymm, Esq; John Hampden, Esq; John Humphreys, Esq; and Herbert Pelham, Esq; their Heirs and Assigns, and their Associates forever, all that Part of New-England,
1631. in America, which lies and extends itself from a River there called Naraganset river, the Space of forty Leagues upon a straight line, near the Sea Shore, toward the South-West, West and by South or West as the Coast lieth towards Virginia, accounting three English Miles to the League, and also all and singular the Lands and Hereditaments whatsoever, lying and being within the Lands aforesaid, North and South in Latitude and Breadth, and in Length and Longitude, of, and within, all the Breadth aforesaid, throughout the Main Lands there, from the Western Ocean to the South Sea, and all Lands and Grounds, Place and Places, Soil, Wood and Woods, Grounds, Havens, Ports, Creeks and Rivers, Waters, Fishings and Hereditaments whatsoever, lying within the said Space, and every Part and Parcel thereof.—And also all Islands lying in America aforesaid, in the said Seas, or either of them on the Western or Eastern Coasts, or Parts of the said Tracts of Lands by these Presents mentioned to be given, granted, &c. and also all Mines and Minerals, as well, royal Mines of Gold and Silver, as other Mines and Minerals whatsoever, in the said Land and Premises, or any part thereof, and also all the several Rivers within the said Limits, by what Name or Names soever called or known, and all Jurisdictions, Rights and Royalties, Liberties, Freedoms, Immunities, Pow-

ers, Privileges, Franchises, Prehemencies and Commodities whatsoever, which the said Robert, Earl of Warwick now hath or had, or might use, exercise or enjoy, in or within any part or parcel thereof, excepting and reserving to his Majesty, his Heirs and Successors one fifth Part of Gold and Silver Ore.—To have and to hold the said Part of New England, in America, which lies and extends, and is abutted as aforesaid, and the said several Rivers, and every Part and Parcel thereof, and all the said Islands, &c. to them the said Viscount Say and Seal, &c. their Heirs and Assigns, and their Associates to their only proper and absolute Use and Behoof for evermore. In Witness whereof the said Robert, Earl of Warwick, hath hereunto set his Hand and Seal, 19th March, 1631.

ROBERT WARWICK." (Seal.)

Signed &c. in
Presence of
WALTER WILLIAMS,
THOMAS HOWSON.

No. 2.

Appointment of John Winthrop, jun. Esq; to be Governor, by Lord Say and Seal, &c.

"Know all Men by these Presents, that we Arthur Hasselrig, Bart. Sir Richard Saltonstall, Knt. Henry Lawrence,
1635. Henry Darley, and George Fenwick, Esqrs. in our own Names and in the Name of the right honorable Viscount Say and Seal, Robert Lord Brook and the Rest of our Company, Do ordain and constitute John Winthrop, Esq; the younger, Governor of the River Connecticut, with the Places adjoining thereunto, for and during the Space of one whole Year, after his Arrival there, giving him, from and under us, full Power and Authority, to do and execute any such lawful Act and Thing both in respect of the Place and People, as also of the Affairs we have or shall have there, as to the Dignity or Office of a Governor doth or may appertain.

In Witness whereof, we have hereunto put our Hands and Seals, this 18th Day of July, 1635.

RICHARD SALTONSTALL, ARTHUR HASSELRIG,
HENRY LAWRENCE, GEORGE FENWICK,
HENRY DARLEY."

Five Seals appendant impressed in one large Piece of Wax.

Then follow a Number of Instructions.—

1. To build a Fort on an Island near the Mouth of the River, at Saybrook, which was done.
2. To build Houses, some proper for Persons of Quality. —those to be within the Fort;—besides a Number of Regulations respecting the Planting of the Country.

This is the same Mr. Winthrop, who was afterwards Governor of the old voluntary Government of Connecticut, before the Charter;—who went to England to obtain the Charter, and was the first Governor under the same.

After Mr. Winthrop, the above named Mr. Fenwick was appointed Governor or Agent under the Company of Lord Say and Seal, &c. of the Fort at Saybrook, and their other Interests.—After a-while the Company, upon the Change of Affairs in England, gave over all Thoughts of removing to New England, and thereupon Mr. Fenewick sold to the old Connecticut or Hartford Colony.

———

No. 3.

Abstract of a Deed from George Fenwick, Esq; to old Connecticut Jurisdiction.—This Abstract contains all the Clauses that respect the Conveyance of Land as follows, viz.

"The Fort at Saybrook with the Appurtenances here-
1644. after mentioned, viz

—All the Land on Connecticut River shall belong to the Jurisdiction of Connecticut, and such Lands as are yet undisposed, shall be ordered and given out, by a Committee of five, whereof George Fenwick, Esq; aforesaid, is always to be one. —The said George Fenwick doth also promise, that all the Lands from Naraganset River to the Fort of Saybrook, mentioned in a Patent granted by the Earl of Warwick to certain Noble and Gentlemen, shall fall in under the Jurisdiction of Connecticut, if it come into his Power, for and in regard of the Premisses, and other good Considerations."—

Then follow a Number of Covenants and Agreements.—such as laying a certain Duty on all Beaver Skins and Corn, that shall be carried out of the River, to raise the purchase Money, viz. One thousand Pounds Sterling.—Mr. Fenewick to have Liberty to live there ten Years, to have certain Grounds, Wharfs, &c.

No. 4.

Petition to the King for a Charter.

"The humble Petition of the General Court at Hartford, upon Connecticut in New England, to the high and mighty Prince Charles the Second,

"Humbly Sheweth,—

"That whereas your Petitioners have not had for many years past, since their Possession and inhabiting these western
1661. and inland Parts of this Wilderness, any Opportunity, by reason of the Calamities of the late Times, to seek for, and obtain such Grants and Letters Patents from your excellent Majesty their sovereign Lord and King, as might assure them of such Liberties and Privileges, and sufficient Powers, as might encourage them to go on through all Difficulties, Hazards and Expenses, in so great a Work of Plantation, in a Place so remote from the Christian World; and a Desart so difficultly subdued in a Way, improveable for Substance but by great Cost and hard Labour, with much Patience and Care.

"And whereas besides the great Charge that hath been expended by our Fathers and some of their Associates yet surviving, about the Purchase, building and fortifying, and other Matters of culturing and improving, to a condition of safety and subsistance, in the Places of our present Abode among the Heathen, whereby there is considerable and real Addition, to the Honour and Inlargement of his Majesty's Dominion, by the sole Disbursements of his Majesty's Subjects there, of their own proper Estates, they have laid out a very great Sum for the purchasing a jurisdiction Right of Mr. George Fenwick which they were given to understand was derived from true royal Authority, by Letters Patent to certain Lords and Gentlemen therein nominated, a Copy whereof was produced before the Commissioners of the Colonies and approved by them as appears by their Records. * A Copy whereof is ready to be presented at your Majesty's Command, though, either by Fire at a House where it had been some time kept, or some other Accident, is now lost, with which your poor Subjects were rather willing to have contented themselves, than to seek for Power or Privilege, from any other than their lawful Prince and Sovereign.

May it therefore please your most excellent and gracious

* The four Colonies, Massachusets Bay and Plymouth, and the old Connecticut and New Haven, both voluntary Governments, May 19th, 1643, formed a Plan of managing their general Affairs by Commissioners appointed by themselves, who kept Records of their Proceedings.

Majesty, to confer upon your humble Petitioners, who unanimously do implore your Highness's Favour and Grace therein, those Liberties, Rights and Authorities and Privileges, which were granted by the aforementioned Letters Patent, to certain Lords and Gentlemen so purchased as aforesaid, or which were enjoyed from those Letters Patent, granted to the Massachusetts Plantation, by our Fathers and some of us yet surviving, when there in our beginning inhabiting, and upon which those large Encouragements, Liberties and Privileges; so great a Transplantation from our dear England was undertaken, and supposed to be yet our Inheritance, until the running of that western Line, the bounded Limits of those Letters Patent, did since our Removal thence, determine our Lot to be fallen without the Limits of that so bounded Authority.

"May it please your Majesty graciously to bestow upon your humble Supplicants, such royal Munificence, according to the Tenor of a Draft or Instrument, which is ready here to be tendered at your gracous Order.

"And whereas besides those Monies and other Disbursements as aforesaid, in Prosecution of this wilderness Work, your poor Petitioners were forced to maintain a War against one Nation of the Heathen that did much interrupt the Beginnings of your Servants, by many bloody and hostile Acts, whereby divers of our dear Countrymen were treacherously destroyed, and have also been ever since, and are still, at much charge in keeping such a Correspondence of Peace and Amity with divers Sorts of the Heathen Nations, that are round about our Plantations thus far extent into the Bowels of the Country, besides the Maintenance of all publick Charges for Church and Civil Affairs, which are very great in respect of our great Poverty.—

"May it please your most excellent Majesty, out of your princely Wisdom, to grant such an Immunity from Customs, as may encourage the Merchants to supply our Necessities in such Commodities as may be wanting here, for which we have neither Silver nor Gold to pay, but the Supply in that Kind may enable, in due Time, to search the Bowels of the Earth for some Gold Minerals, whereof there seems to be a fair Probability, or produce some such Staple Commodities, as may in future Time appear to be good Effects of your Majesty's Goodness and Bounty; if your poor Colony may find this gracious Acceptance with your Majesty as to grant their humble Desire, whereby they may be encouraged to go on cheerfully and strenuously in their plantation Business, in hope of a comfortable Settlement for themselves and their Posterity, that under your royal Protection they may prosper in this Desart;

they shall, as in their acknowledged Duty, ever pray for your great Tranquility and perpetual Happiness; and humbly craving Leave they subscribe themselves your Majesty's loyal Subjects and Servants the General Court for the Colony of Connecticut in New-England,—per their Order signed

DANIEL CLARK, SECRETARY."

The before mentioned Mr. Winthrop, at that time Governor of the antient Connecticut or Hartford Colony, went to England with this Petition; and, it is said, so far varied the same, as to inform the King that he had not been able to obtain a Deed from Lord Say and Seal and Company, as he expected.—The following is a Letter which Lord Say and Seal wrote to him, when in England, upon the Subject.

— —

No. 5.

"Mr. WINTHROP,

"I Received your Letter by Mr. Richards, and I would have been glad to have had an Opportunity of being at London myself, to have done you and my good Friends in New-England the best Service I could; but my Weakness hath been such, and my old Disease of the Gout falling upon me, I did desire Leave not to come up this Winter, but I have wrote to the Earl of Manchester, Lord Chamberlain of his Majesty's Household, to give you the best Assistance he may; and indeed he is a noble, and a worthy Lord, and one that loves those that are godly.—And he and I did join together, that our godly Friends of New-England might enjoy their just Rights and Liberties; and this Colonel Crowne, who, I hear, is still in London, can fully inform you.

"Concerning that of Connecticut, I am not able to remember all the Particulars; but I have written to my Lord Chamberlain, that when you shall attend him, (which I think will be best for you to do, and therefore I have inclosed a Letter to him, in yours) that you may deliver it, and I have desired him to acquaint you where you may speak with Mr. Jesup, who, when we had the Patent, was our Clerk, and he, I believe, is able to inform you best about it and I have desired my Lord to wish him so to do.—I do think he is now in London.—My Love remembered unto you,' I shall remain,

your very loving Friend,

W. SAY and SEAL."

December 11, 1661. Thus directed,

"For my very loving Friend Mr. John Winthrop, living in Coleman Street, at one Mrs. Whitings House, near the Church."

No. 6.

Abstract of the Charter of Connecticut from King Charles II.

"Charles the Second by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith,
1662. &c. To all to whom these Presents shall come Greeting.

Whereas by the several Navigations, Discoveries and successful plantations of divers of our loving Subjects of this our Realm of England, several Lands, Islands, Places, Colonies and Plantations, have been obtained and settled in that Part of the Continent of America called New-England, and thereby the Trade and Commerce there, hath been of late Years much increased; and whereas we have been informed, by the humble Petition of our trusty and well beloved John Winthrop, John Mason, Samuel Wyllis, &c. being Persons principally interested in our Colony or Plantation of Connecticut, in New-England, that the same Colony, or the greatest Part thereof, was purchased and obtained for great and valuable Considerations; and some other Part thereof gained by Conquest, and with much Difficulty, and at the only Endeavours, Expence, and Charges of them and their Associates, and those under whom they claim, subdued and improved, and thereby become a considerable inlargement and Addition of our Dominions and Interest there. Now know ye, that in Consideration thereof, and in Regard the said Colony is remote from other the English Plantations in the Places aforesaid, and to the End the affairs and Business, which shall from Time happen or arise, concerning the same, may be duly ordered and managed, we have thought fit, and, at the humble Petition of the Persons aforesaid, are graciously pleased to create and make them a Body Politic and Corporate, &c.

"And for the better Execution of our Royal Will and Pleasure herein, we do, for us, our Heirs, and Successors, assign, name, constitute, and appoint, the aforesaid John Winthrop, to be the first and present Governor of the said Company, and the said John Mason to be the Deputy Governor, &c.

"And know ye further that we, of our abundant Grace, certain Knowledge and meer Motion, have given, granted and confirmed, and by these Presents, for us, our Heirs, and Successors, do give, grant and confirm, unto the said Governor and Company, and their Successors, all that Part of our Dominions in New-England, in America, bounden on the East by Naraganset River, commonly called Narraganset Bay, where the said River falleth into the Sea; and on the North by the Line of the Massachusets Plantation, and on the South by the Sea; and in Longitude as the Line of the Massachusets Colony,

running from East to West, that is to say, from the said Narraganset Bay on the East, to the South Sea, on the West Part, with the Islands thereunto adjoining, &c.

"And lastly, we do for us, our Heirs and Successors, grant to the said Governor and Company, and their Successors, by these Presents, that these our Letters Patents shall be firm, good, and effectual in the Law, to all Intents, Constructions, and Purposes whatsoever, according to our true Intent and Meaning herein before declared, as shall be construed, reputed, and adjudged most favourable on the Behalf, and for the best Benefit and Behoof of the said Governor and Company, and their Successors, although express Mention of the true yearly Value, or Certainty of the Premisses, or of any of them, or of any other Gifts or Grants by us, or by any of our Progenitors, or Predecessors, heretofore made to the said Governor and Company of the English Colony of Connecticut, in New-England, in America, in these Presents is not made; or any Statute, Act, Ordinance, Provision, Proclamation, or Restriction heretofore had, made, enacted, ordained or provided, or any other Matter, Cause, or Thing whatsoever, to the contrary thereof in any wise, notwithstanding.

"In Witness &c. the three and twentieth Day of April, in the fourteenth of our Reign.

"By Writ of Privy Seal, HOWARD."

No. 7.

Commission to Colonel Nichols and others, to Settle the Bounds of the New England Colonies, &c.

"Charles the Second, &c. Whereas we have received several Addresses from our Subjects of several Colonies in New
1664. England, all full of Duty and Affection, and Expressions of Loyalty and Allegiance to us, with their humble Desires, that we would renew their several Charters, and receive them into our favourable Opinion and Protection; and several of our Colonies there, and other our loving Subjects, have likewise complained of Differences and Disputes, arisen upon the Limits and Bounds of their several Charters and Jurisdictions, whereby unneighbourly and unbrotherly Contentions have and may arise, to the Damage and Discredit of the English Interest, &c."

--See the Commission at large in the Appendix of Hutchinson's History of the Massachusetts Bay, page 537.

No. 8.

Letter from King Charles II, Accompanying the Commission, dated April 23d, 1664.

CHARLES REX,

"Trusty and well beloved, -we Greet you well. Having, according to the Resolution we declared to Mr. John Win-
1664. throp, at the Time when we renewed your Charter, now sent these Persons of known Abilities and Affection to us, that is to say, Colonel Richard Nichols, Sir Robert Carr, Knt. George Cartwright, Esq; and Samuel Maverick, Esq; our Commissioners, to visit those our several Colonies and Plantations in New England, &c."—

The Residue of the Letter was not copied, but is supposed to be in common and usual Form of requiring a Submission to them. -This Letter is addressed.—

"To the Governor and Council of Connecticut in New-England."

Mr. Winthrop returned to his Government as soon as the Commissoners arrived, and attended them at New-York with others, as a Committee appointed by the General Court of Connecticut, in order to get the Bounds ascertained, and which was done as follows.

No. 9.

Order of the Decree of the Commissioners.

"We have heard the Differences about the Bounds of the Patents, granted to his Royal Highness the Duke of York, and his Majesty's Colony of Connecticut, and having deliberately considered all the Reasons alledged by Mr. Allyn, Mr. Gold, Mr. Richards, and Captain Winthrop, appointed by the General Assembly, held at Hartford the 13th of October, 1664, to accompany John Winthrop, Esq; the Governor of his Majesty's Colony of Connecticut, to New York, and by Mr. Howell, and Capt. Young of Long Island, why the said Long Island should be under the Government of Connecticut, which are too long here to be recited.—

"We do declare and order, the Southern Bounds of his Majesty's Colony of Connecticut is the Sea, and that Long-Island is to be under the Government of his Royal Highness the Duke of York, as is expressed by plain words in said Patents respectively. And also by Virtue of his Majesty's Commission, and

by the Consent of both the Governors and the Gentlemen above named, we do also order and declare, that the Creek or River called Momoronack, which is reputed to be about twelve Miles to the East of West Chester, and a Line drawn from the East Point or Side, where the fresh Water falls into the Salt, at high Water Mark, North North West to the Line of the Massachusetts be the Western Bounds of the said Colony of Connecticut, and all Plantations lying Westward of that Creek and Line so drawn, shall be under his Royal Highness' Government; and all the Plantations lying Eastward of that Creek and Line to be under the Government of Connecticut.

"Given under our Hands, at James's Fort in New York, on the Island of Manhattan, this 1st Day of December, 1664.

RICHARD NICOLLS,
GEORGE CARTERET,
S. MAVERICKE."

To which the Commissioners from Connecticut subscribed in the Words following:

"We the Governor and Commissioners of the General Assembly of the Colony of Connecticut, do give our Consent to the Limits and Bounds above mentioned, as Witness our Hands,

—— GOLD, JOHN WINTHROP,
JOHN WINTHROP, JUN. —— ALLEN, SEN.
—— RICHARDS."

The Duke of York's Grant from King Charles II, among other Tracts, contained "Long Island, situate, lying and being, towards the West of Cape-Cod and the Naragansets, abuting upon the Mainland between the two Rivers, there called and known by the Names of Connecticut and Hudsons River, together also with said River called Hudsons River, and all the Land from the West Side of Connecticut River, to the East Side of Delaware Bay."—This interfered with Connecticut, but being younger by about two Years, was obliged to give way--The Duke's Grant bears Date the 12th of March, 1664.

Whether the Bounds of Connecticut on the East were settled at this Time is not certain, but it is agreed on all Hands, that they were very antiently fixt at Paukatuck River, about twenty-five Miles West of Narraganset River or Bay mentioned in the Charter, and have so remained ever since.—The Occasion of which we have told to us by the following Clause, in the Charter of Rhode Island Colony, and which is about three Months younger than that of Connecticut. The Charter of that Colony, after bounding the Lands on the West with the aforesaid Paukatuck River, says the same shall be held to them, &c.

"Any Grant, or Clause in a late Grant, to the Governor and Company of Connecticut Colony in America, to the Contrary thereof, in any wise notwithstanding The aforesaid Paukatuck River, * having been yielded, after much Debate, for the fixed and certan Bounds, between these our said Colonies by the Agents thereof, who have also agreed, that the said Paukatuck River, shall be also called, alias Naraganset River, and to prevent future Disputes, that otherwise might arise, for ever hereafter shall be construed, deemed, and taken to be the Naraganset River, in our late Grant to Connecticut Colony, mentioned, as the Easterly Bounds of that Colony."

It is said John Winthrop, Esq; of New London in Connecticut, a Descendant of the before mentioned Governor Winthrop, has in his Possession, a Letter of the said Governor wrote from England giving an Account that he had been obliged to yield before the King and Council, in favour of a Mr. Clarke who is named in the Rhode-Island Charter, the Naraganset Country, lying between Paukatuck River on the West, and Naraganset River, or Bay, on the East, on the Ground, that the said Mr. Clark, and his Associates, had purchased the native Right of the Indians.—Mr. Fenwick in his Deed to old Connecticut Jurisdiction, engages to procure this Territory, if it shall be in his Power.—

Duke Hamilton in 1635 obtained a Grant of all the Land lying between Naraganset Bay and Connecticut River, and sixty Miles back into the Country.—His Claim came under Consideration before Commissioners of the Crown in 1665, the Defence on the Part of Connecticut was as follows.

No. 10.

"We humbly conceive that the original Patent granted from royal Authority to the Lord Say and Seal and others,
1665. Nobles and Gentlemen, which we purchased at a dear Rate, is lately ratifyed and confirmed by our gracious Sovereign, under the broad Seal of England, the most absolute and unquestonable Security of the English Subjects, in which Grant the Lands forementioned are comprized.—The

*See Hutchinson's Vol. Collection of Papers, page 414. "Narrative of the Commissioners from England about New England, speaking of Connecticut," they say, "Their Eastern Bounds are determined to "be a Line drawn Westward (should be Northward) from the Midst "of the Road going over Paukatuck River near to Shaw's House," &c.

Grant to Connecticut was precedent to that of Duke Hamilton, several Years, which gives us to conclude, that Propriety of Title, will be settled upon Priority of Grant.—The Bounds of our Charter, as to the Eastern Limits, are not newly devised, but was so described in a Grant made formerly to some Lords and Gentlemen, bearing Date 1631, which at a dear Rate was purchased by the Colony of Connecticut, which Grant, though so purchased, we were unwilling to rely upon, it wanting a royal Stamp.—

"We have had peaceable Possession these thirty Years, free from the least Claim of any other that ever we heard of to this Day, which persuades us that if the Duke's Highness had ever Right by Virtue of his Grant, yet that Right pretented is extent in Law many Years, since his Majesty our gracious Sovereign was pleased of his abundant Power and Grace to his Subjects of this Colony, so far to declare his free Reception of the Reasons forementioned, of our Purchase made and Conquest recovered, and likewise by our Improvements and Labour bestowed upon those Lands, as to insert them as Motives to that late Renewal of our Charter.—

"It was conquered by the People of Connecticut.

"We have had peaceable Possession thirty Years.

This Defence bears Date March 25, 1665.

Opinion of Council.

"I am of Opinion, that these Purchasers, by Virtue of their Purchase, and so long uninterrupted Possession under
1665. them, have an undoubted Right and Title to these Groundsand Lands, and the Buildingsand Improvements of them, and ought not now, after so much money laid out upon them, and such Enjoyment of them, be disturbed in their Possession of them.

FRA. PEMBERTON."

No. 11.

Queries from the Board of Trade, and the Answers.

"What are your Bounds?

"Answer. The reputed and known Boundaries are the Massachusetts on the North; Rhode Island Colony on the East;
1680. Long-Island Sound on the South; and New-York Province on the West: No Points thereof are disputed, except some Part of the dividing Line betwixt this Colony and New-York.

"What are your Rivers?

"Answer. Between the Narraganset River our eastern Bounds,

and Maroneck Rivulet our Western Bounds, are these Rivers following—the River of Connecticut—the Pequot River at New-London, and the River at Stratford."

It being found, that the line settled by the Commissioners running N. N. W. from Maroneck River, crossed Hudson River about forty or fifty Miles above the City of New York; that Government never left importuning the Government of Connecticut, until they brought them to agree to a new Line about seven Miles to the Eastward at the Sea; and to run Northward at the Distance of twenty Miles; East of every Part of Hudson's River, up to the Massachusetts South Line.—This Line begins at the Mouth of Byrum River, and after taking several Turns, in order to include to Connecticut certain Towns planted by them, proceeds Northward, as before-
1683. mentioned. This Line was agreed upon in 1683, was confirmed by the Crown in 1700, but not measured out, and carried into Execution, until sometime about the Year 1732, when a Deed of Release was executed on the Part of Connecticut to the Government of New-York, of all the Lands in that Province, lying to the Westward of that Line.

APPENDIX—Part II.

No. 12.

Extracts from the Records of the Old Colony of New-Haven.

"At a General Court, held at New-Haven, the 11th of November, 1644.

"Whereas the General Court for this Jurisdiction, did see Cause to put forth their best Endeavours to procure a Patent from the Parliament, as judging it a fit Season now for that End; therefore desired Mr. Gregson to undertake the Voyage and Business, and agreed to furnish him Two Hundred Pounds in this Jurisdiction, of which, in Proportion to the other Plantations, New-Haven is to pay One Hundred and Ten Pounds in good merchantable Beaver—It was therefore ordered, that the said One Hundred and Ten Pounds shall be procured at the Charge of the Town, to stand to the Terms, and bear the Damage that may come thereby."

No. 13.

"It is ordered, that upon the Admittance of any Man, as a Planter into any Plantation in this Jurisdiction, the
1654. fundamental Laws and Orders, concerning Votes, &c. shall be read to them, and if approved, the Oath of Fidelity shall be administered to them; the Plantation which is to receive them being satisfied in other Particulars by a satisfying Certificate from sufficient credible Persons of their good Behaviour and Conversation.

"The Governor informed the Court, that Mr. Leveridge had been with him, and propounded to know whether their Plantation at Oyster Bay might not join and be admitted a Member of this Colony; He also propounded some Objections about a Patent, about public Charges in this Jurisdiction above others, with something about keeping Courts at their own Plantation; all which was answered, so as he objected no further, but desired to know, if upon further Speech with their Town, they desire to be received, whether it might be done without the general Courts meeting again. The Court considered of what was propounded, and declared, that if upon their full Understanding the fundamental Laws and Orders for Government here established, they shall desire to join, and that they do upon their Admittance take the Oath of Fidelity as before ordered, and in a Writing subscribed by them, solemnly engage themselves to a full Observance thereof, they may be received as a Member of this Jurisdiction.

No. 14.

At a General Court for New-Haven, 16th March, 1644.

"John Cooper, having been to Delaware Bay, returned
1644. with discouraging Accounts.

"Voted, That they will be at Twenty or Thirty Pounds Charge, that Mr. Goodyear, &c. may go to Delaware, and carry the Commissioners Letter, and treat with the Swedes about a probable Settlement of the English, upon their own Right, &c."

It appears from this Entry, that three Swedish Ships had arrived at Delaware.

No. 15.

At a General Court held at New Haven for the Jurisdiction the 30th of January, 1654.

"A Petition was presented by Thomas Munson and John Cooper of New Haven, on Behalf of a Company of Persons intending a Remove to Delaware Bay, wherein they propounded that for the Inlargement of the Kingdom of Christ, the Spreading of the Gospel and the good of Posterity therein, that they may live under the Wings of Christ, they would afford some Encouragement to help forward so publick a Work.

"1. That two Magistrates Mr. Samuel Eaton, and Mr. Francis Newman, may have Liberty from this Court to go in Person at first, and in Case they see not themselves called to lay out so much of their Estate, as is like to be disbursed on such an Undertaking, that then it would please the Court, that out of the Jurisdiction they may be honourably provided for, with Men that are willing to lay out themselves for the public good.

"2. In the Case there be an Undertaking, they that go, may, at first, go under the Protection of this Jurisdiction, and that in Case of any Affront, the Jurisdiction will engage to assist, till by the Blessing of God, they may be able of themselves to set up a Commonwealth, according to the Fundamentals for Government laid at New-Haven.

"3. That seeing our Numbers are yet small, about or betwixt 50 or 60 we desire the Court to consider what Number they think may be a competent Number, that we may serve God's Providence, and yet not let the Work fall for want of too great a Number.

"4. That two great Guns and Powder, and what belongs to them, might be granted.

"5. Seeing that most that have purposed to go, do only for public Respects undertake, and not for any Need at present, and thereupon do leave their Houses and Lands without that Improvement, that they themselves did make; they desire that for some Time, as the Court shall think meet, they may be freed from Rates and publick Charges.

"6. Seeing that they, whose Hearts God shall incline to undertake at first, are Men, for the general, of no great Estates, and some cannot go without Help, we desire, that a sum of Money may be raised in this Jurisdiction, which may be employed either to buy a small Vessel, that may attend the Service, or otherwise as shall be thought meet. Now that which occasions this last, is not only the Sense of the great Expense and Charge at first, and the present Need that some have now; but

also we have heard from sundry, that generally Men are willing to help on the Work, either by Person or Estates. Thus begging Pardon for our Boldness, we humbly desire to commit all your Consultations unto the Direction of the God of Wisdom.

"And so remain,

"Yours, to be commanded,

"JOHN COOPER,

"TH. MUNSON.

"New-Haven, "In the Behalf of the Rest,

"the 30th of the 11th Month,

"1654."

To which the Court returned,—

"That having read and considered a Paper of some Propositions, presented by Thomas Munson and John Cooper of New-Haven, in the Name and Behalf of sundry Persons of this Jurisdiction, and elsewhere, appearing as Undertakers, for the first planting of Delaware, in order to the public Good of this Jurisdiction and the Enlargement of the Kingdom of Christ, in these Parts, do return in Answer as followeth.—

"1. That they are willing so far to deny themselves for the furtherance of that Work, in order to the Ends propounded, as to grant Liberty to one or both of those Magistrates mentioned, to go along with them, who, with such other fit Persons as this Court shall see meet to join with them, may be impowered for managing of all Matters of civil Government there, according to such Commission as shall be given them by this Court.

"2. That they will either take the Propriety of all the purchased Lands into their own Hands, or leave it to such as shall undertake the Planting of it; provided that it be and remain a Part or Member of this Jurisdiction—And for their Encouragement they purpose, when God shall so inlarge the English Plantations in Delaware as that they shall grow the Greater Part of the Jurisdiction, that then due Consideration shall be taken for the Ease and Conveniency of both Parts, as that the Governor may be one Year in one Part, and the next Year in another, and the Deputy Governor to be in that Part where the Governor is not; and that General Courts for making Laws may be ordinarily but once a Year, and where the Governor resides, and if God much increase Plantations in Delaware, and diminish them in these Parts, then possibly they may see cause that the Governor may be constantly there, and the Deputy Governor here, but that the lesser Part of the Jurisdiction be protected and eased by the greater Part, both in Rates and otherwise, which they conceive will be both agreeable to God

and (as appears by the conclusions of the Commissioners Anno 1651) most satisfying to the Rest of the united Colonies.

"3. That for the Matter of Charge propounded for Encouragement to be given or lent, to help on their first Beginnings, they will propound the Thing to the several particular Plantations, and promote the Business for procuring something that may, and shall return their Answer with all convenient Speed."

At a General Court, &c. July 5, 1654.

"A Letter was now, by Order of this Court, sent to the Swedes at Delaware Bay, informing them of the Propriety, which some in this Colony have to large Tracts of Land, on both Sides of Delaware Bay and River, and desiring a neighbourly Corresponding with them, both in Trading and Planting there".

No. 16.

From the Book of Commissioners of United Colonies.

This Year at Cambridge, the Commissioners for the Massachusetts, by Virtue of a joint Conquest with Connecticut.
1638. laid Claim to some of the Lands belonging to the Pequots, with Right of Jurisdiction thereof."

No. 17.

At a Meeting of the Commissioners of the United Colonies at New-Haven, September 3, 1646.

An English Plantation being lately begun by Mr. John Winthrop, junior, at * Pequot, a Question grew, to which Colony the Jurisdiction should belong?

"The Commissioners for the Massachusetts propounded an Interest by Conquest—the Commissioners for Connecticut, by † Patent. Purchase and Conquest;—it was remembered, that in a Treaty betwixt them at Cambridge, 1638, not perfected, a Proposition was made, that Pequot River, in Reference to the Conquest, should be the Bounds betwixt them; but Mr. Fenwick was not then here to plead that Patent, nor had Connecticut then any Title to these Lands, by Purchase or

*New-London.

† Meaning the Deed from Mr. Fenwick.

Deed of Gift from Uncas, but the Plantation is on the West Side of Pequot, and so within the Bounds at first propounded for Connecticut, the Commissioners jointly agreed, that an English Plantation there, being well ordered, may, in sundry Respects, be of good Use to all the Colonies, and that it is fit it should have all due Encouragement, only they conceived, unless the Massachusetts hereafter shew better Title, the Jurisdiction should belong to Connecticut."

No. 18.

From New-Haven General Court it was propounded to the Commissioners, what Course might be taken for the speedy planting of Delaware-Bay—the Title some Merchants of New-Haven have, by Purchase from Indians on both Sides of the River—what had passed at a former Meeting, Anno 1643—the Healthfulness of the Place, Goodness of Land, with the Advantages of a well ordered Trade there;—the New-Haven Merchants are left to their just Liberty to dispose, improve or plant the Lands they have purchased in these Parts, or any Part thereof, as they shall see Cause.

"The Commissioners for New-Haven informed and complained—1st. That whereas. by their Agents, they had duly purchased of the Indian Sachems, and their Companies, several Tracts or Parcels of Land, on both Sides Delaware-Bay or River, to which neither the Dutch or Swedes had any just Title, yet, without any legal Protest or Warning, Mr. Kieft, the then Dutch Governor, sent armed Men, A. D. 1642, and by Force, in a hostile Way, burnt their Trading-house, seized. and for some Time detained, the Goods in it, &c.

1658. "The Commissioners of the united Colonies settled a Line of Partition of the Ground conquered from the Pequots.—And Stonington was about this Time settled by the Massachusetts People, and called Southerton.

No. 19.

The Declaration against the Dutch sets forth, That the united English Colonies, expecting a just and neigh-

1653. bourly Correspondency and Intercourse from and with the Dutch, living at and about the Manhatoes, which they call New Netherlands, tho' the Place fall within that Part or

Tract of America, called New-England, lying and being in Breadth from 40 to 48 Degrees of northerly Latitude, which, both in Europe and here, is well known by ancient Patents to be granted, by the Kings of England, to their Subjects, to settle and plant upon, have met with a constant Course of Opposition, &c. from the Dutch.

"That the English, before or when they began to build, fence or plant in the said Parts, did generally purchase to themselves from the Indians, the true Proprietors, a just Right and Title to the Lands they meant to improve, if they found not the Place vacuum Domicilium.—

"First, letting pass an hostile Affront and Injury Capt. Howe, and his Company, received from the former Governor Kieft, at Long-Island, Anno 1650, the English at New-Haven, upon a due Title, both by * Patent and Purchase, built within their own just limits a small Town or Village, called Stamford; but about two Years after, the said Governor Kieft sent Men armed to challenge the Place, as within the Dutch Limits and Jurisdiction, &c. the Dutch having never had Possession of any Part of the Place, nor to this Day could ever shew any Shadow of Right to it.

"In the same Year, 1650, [should be 1640] the English at New-Haven sent Men to view and purchase Part of Delaware-Bay, but with express Direction, not to meddle with any Thing the Dutch or Swedes had Right unto, &c. Kieft wrote to John Johnson, the Dutch Agent at Delaware, to hold a Correspondence with the English there, which accordingly he did at first, and shewed them how far the Dutch and Swedes Title or Claim reached—the rest he said the English might purchase, &c. but afterwards, &c. the Indians being free, [probably means "willing"] the English Agents, at several Times, from the several Proprietors, purchased large Tracts of Land on both Sides of Delaware-Bay and River, and began to plant, and to set up Houses for Trade, within their own Limits; but, &c.—Here follows a Narrative of the Abuses offered to these Settlers by the Dutch and Swedes, then follows—"And soon after, by a Protest in Dutch, dated October 12, 1647, New Stile, he enlarges his Claim to all the Lands, Rivers, Streams, &c. from Cape-Henlopen (which may be about Virginia) to Cape Cod, from which drawing any Line to the North, North-west, or West, he wholly takes in or encroaches far upon all the United Colonies."

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* The general Patents before spoken of 'tis supposed, as they had none themselves.

Continuation of Extracts from the Records of the old New-Haven Colony.

When the Charter from King Charles the Second was obtained and sent over, some Persons from Hartford went down to New-Haven, and served them with a Copy of the same, and demanded their Submission, as being included within it: upon which the People of New-Haven Colony, being much alarmed, met together in General Assembly, and after debating the Matter warmly, being much opposed to coming under the Charter, they sent a Letter to Hartford, complaining of the Injury done them, in which, among other Things, they say—

"As for the Patent upon your Petition granted to you, we object not, &c.—but if the Line of your Patent doth circumscribe this Colony, &c.—This Letter is dated May 6, 1663.

And after much Altercation, New-Haven Colony appealed to the King, to declare his Intention with regard to the Charter's including that Colony or not; and thereupon they drew up what they call *A State of their Case*, which gives a Sort of History of their Colony to that Time, and is in the following Words, viz.

No. 20.

The Writings sent to the General Assembly of Connecticut here follow, and the First is called, New-Haven Case Stated.

Honoured and Beloved in the Lord,

We, the General Court of New-Haven Colony, being sensible of the many Wrongs which this Colony hath suffered lately, by your unjust Pretences and Encroachments upon our just Rights, have unanimously consented, tho' with Grief of Heart, being compelled thereunto, to declare unto you, and unto all whom the Knowledge thereof may concern, what yourselves do or may know to be true, as followeth:—

1. That the first Beginning of these Plantations by the Sea Side, in these Western Parts of New-England, being engaged to sundry Friends in London, and in other Places about London (who purposed to plant some with them in the same Town, and others as near to them as they might) to provide for themselves some convenient Places by the Sea Side, arrived at Boston, in the Massachusetts (having a special Right in their Patent, two of them being joint Purchasers * of it with

* Mr. Eaton, and others.

others, and one of them a Patentee, and one of the Assistants chosen for the New-England Company in London) where they abode all the Winter following; but not finding there a Place suitable to their Purpose, were perswaded to view these Parts, which those that viewed approved; and, before their Removal, finding that no English were planted in any Place, from the Fort called Say Brook to the Dutch, purposed to purchase of the Indians, the natural Proprietors of those Lands, that whole Tract of Land by the Sea Coast for themselves, and those that should come to them, which they before signified to their Friends at Hartford, in Connecticut Colony, and desired that some fit Men from thence might be employed in that Business, at their proper Cost and Charges who wrote to them: unto which Letters having received a satisfactory Answer, they acquainted the Court of Magistrates of Massachusetts Colony with their Purpose to remove, and the Grounds of it, and, with their Consent, began a Plantation in a Place, situated by the Sea, called by the Indians Quinnipiaug, which they did purchase of the Indians, the true Proprietors thereof, for themselves and their Posterity, and have quietly possessed the same about six and twenty Years, and have buried great Estates in Buildings, Fencings, clearing the Ground, and in all Sorts of Husbandry, without any Help from Conecticut, or Dependance upon them, and, by voluntary Consent among themselves, they settled a Civil Court and Government among themselves, upon such Fundamentals as were established in Massachusetts, by Allowance of their Patent, whereof the then Governor of the Bay, the Right Worshipful Mr. Winthrop, sent us a Copy, to improve for our best Advantage.—These Fundamentals all the Inhabitants of the said Quinnipiaug approved, and bound themselves to submit unto and maintain, and chose Theophilus Eaton, Esq; to be their Governor, with as good Right as Connecticut settled their Government among themselves, and continued it above twenty Years, without any Patent.

2. That when the Help of Mr. Eaton, our Governor, and some others from Quinnipiaug, was desired, for ending of a Controversy at Weathersfield, a Town in Connecticut Colony, it being judged necessary for Peace, that one Party should remove their Dwellings, upon equal satisfying Terms proposed, the Governor, Magistrates, &c. of Connecticut offered, for their Part, that if the Parties that would remove should find a fit Place to plant in, upon the River, Connecticut would grant it to them: and the Governor of Quinnipiaug (now called New-Haven) and the rest there present, joined with him, and promised, that if they should find a fit Place for themselves,

by the Sea-Side, New-Haven would grant it unto them, which accordingly New-Haven performed; and so the Town of Stamford begun, and became a Member of New-Haven Colony, and so continueth unto this Day.—Thus, in a public Assembly of Connecticut, was the distinct Right of Connecticut upon the River, and of New-Haven by the Sea-Side, declared, with Consent of the Governor, Magistrates, Ministers, and better Sorts of the People of Connecticut, at that Time.

3. Sundry other Townships by the Sea-Side, and Southold on Long-Island (being settled in their Inheritances by Right of Purchase of their Indian Proprietors) did voluntarily join themselves to New-Haven, to be all under one Jurisdiction, by a firm Engagement to the Fundamentals formerly settled in New-Haven; whereupon it was called New-Haven Colony. The General Court being thus constituted, chose the said Theophilus Eaton, Esq; a Man of singular Wisdom, Godliness and Experience, to be the Governor of New-Haven Colony, and they chose a competent Number of Magistrates, and other Officers, for the several Towns. Mr. Eaton so well managed that great Trust, that he was chosen Governor every Year while he lived. All this Time Connecticut never questioned what was done at New-Haven, nor pretended any Right to it, or to any of the Towns belonging to this Colony, nor objected against our being a distinct Colony.

4. When the Dutch claimed a Right to New-Haven, and all along the Coast by the Sea-Side, it being reported that they would set up the Prince of Orange's Arms, the Governor of New-Haven, to prevent that, caused the King of England's Arms to be fairly cut in Wood, and set up on a Post, in the Highway, by the Sea-Side, to vindicate the Right of the English, without consulting Connecticut, or seeking their Concurrence therein.

5. In the Year 1643, upon Weighty Considerations, an Union of four distinct Colonies was agreed upon by all New-England (except Rhode-Island) in their several General Courts, and was established by a most solemn Confederation, whereby they bound themselves, mutually to preserve unto each Colony its entire Jurisdiction within itself respectively, and to avoid the putting of two into one by any Act of their own, without the Consent of Confederacy from the four united Colonies, which were from that Time, and still are, called and known by the Title of The four United Colonies of New-England. Of these Colonies New-Haven was and is one;—and in this solemn Confederation Connecticut joined with the rest and with us.

6. In the Year 1644, the General Court for New-Haven Colony, then sitting in the Town of New-Haven, agreed unanimously to send to England for a Patent, and, in the Year 1645,

committed the procuring of it to Mr. Grigson, one of our Magistrates, who entered upon his Voyage in January that Year, from New-Haven, furnished with some Beaver, in order thereunto as we suppose; but, by the Providence of God, the Ship and all the Passengers and Goods were lost at Sea, in their Passage towards England, to our Grief, and the Frustration of that Design for that time; after which the Troubles in England put a Stop to our proceeding therein. This was done with the Consent and Desire of Connecticut to confer with New-Haven therein; whereby the Difference of Times, and of Men's Spirits in them, may be discovered, for then the Magistrates of Connecticut, with Consent of their General Court, knowing our Purpose, desired to join with New-Haven in procuring that Patent, for common Privileges to both in their distinct Jurisdictions, and left it to Mr. Eaton's Wisdom, to have the Patent framed accordingly. But now they seek to procure a Patent, without the Concurrence of New-Haven, and contrary to our Minds expressed before this Patent was sent for, and to their own Promise, and to the Terms of the Confederation, and, without sufficient Warrant from their Patent, they have invaded our Rights, and seek to involve New-Haven under Connecticut Jurisdiction.

7. That in the Year 1646, when the Commissioners first met at New-Haven, Kieft, the then Dutch Governor, by Letter expostulated with the Commissioners, by what Warrant they met at New-Haven, without his Consent, seeing it, and all by the Sea Coast, belonged to his Principals in Holland, and to the Lords the States General. The Answer to that Letter was framed by Mr. Eaton, Governor of New-Haven, and then President of the Commission, approved by all the Commissioners, and sent in their Names, with their Consent, to the then Dutch Governor, who never replied thereunto.

8. That this Colony, in the Reign of the late King Charles the First, received a Letter from the Committee of Lords and Commons for foreign Plantations, then sitting at Westminster, which Letter was delivered to our Governor Mr. Eaton, for freeing the several distinct Colonies of New-England from Molestation, by the appealing of troublesome Spirits unto England, whereby they declared, that they had dismissed all Causes depending before them from New England, and that they advised all Inhabitants to submit to their respective Governments there established, and to acquiesce when their Causes shall be there heard and determined, as it is to be seen more largely expressed in the Original, which we have subscribed [thus]—— Your assured Friends,

PEMBROKE,	MANCHESTER,	WARWICK,
W. SAY & SEAL,	FR. DACRE,	DENBIGH.

In this Order they subscribed their Names, with their own Hands, which we have to shew, and they inscribed or directed this Letter—To our worthy Friends, the Governor and Assistants of the Plantations of New-Haven, in New-England. Whereby you may clearly see, that the Right Hon. the Earl of Warwick, and the Lord Viscount Say and Seal (lately one of his Majesty's that now is, King Charles the Second, his Most Honourable Privy Council, as also the Right Honourable Earl of Manchester still is) had no Purpose after New-Haven Colony, situated by the Sea Side, was settled to be a distinct Government, that it should be put under the Patent for Connecticut, whereof they had only framed a Copy, before any House was erected by the Sea Side, from the Fort to the Dutch: which yet was not signed and sealed by the last King for a Patent, nor had you any Patent till your Agent, Mr. Winthrop, procured it about two Years since.

9. That in the Year 1650, when the Commissioners for the four united Colonies of New-England met at Hartford, the now Dutch Governor being then and there present, Mr. Eaton, the then Governor of New-Haven Colony, complained of the Dutch Governor's encroaching upon our Colony of New-Haven, by taking under his Jurisdiction a Township beyond Stamford, called Greenwich, all the Commissioners (as well for Connecticut, as for the other Colonies) concluded that Greenwich, and four Miles beyond it, belongs to New-Haven Jurisdiction, whereunto the Dutch Governor then yielded, and restored it to New-Haven Colony.—Thus were our Bounds Westward settled by Consent of all.

10. That when the Honourable Governor of Connecticut, John Winthrop, Esq; had consented to undertake a Voyage for England, to procure a Patent for Connecticut, in the Year 1661, a Friend warned him by Letter not to have his Hand in so unrighteous an Act, as so far to extend the Line of their Patent, that the Colony of New-Haven should be involved within it. For Answer thereunto, he was pleased to certify that Friend in two Letters, which he wrote from two several Places before his Departure, that no such Thing was intended, but rather the contrary; and that the Magistrates had agreed and expressed, in the Presence of some Ministers, that if their Line should reach us (which they knew not, the Copy being in England) yet New-Haven Colony should be at full Liberty to join with them or not. This Agreement, so attested, made us secure, who else could have procured a Patent for ourselves, wherein our own known Bounds, according to Purchase, without doing any Wrong to Connecticut in their just Bounds and Limits, would have been expressed.

11. That notwithstanding all the Premises, in the Year 1662, when you had received your Patent, under his Majesty's Hand and Seal, contrary to your Promise and solemn Confederation, and to common Equity, at your first General Assembly (which yet could not be called general without us, if we were under your Patent, seeing none of us were called thereunto) you agreed among yourselves, to treat with New-Haven Colony about Union by your Commissioners, chosen for that End. Within two or three Days after that Assembly was dissolved, but before the ending of that Session, you made an unrighteous Breach in our Colony, by taking under your Patent some of ours from Stamford and from Guilford, and from Southold, contrary to your Engagements to New-Haven Colony, and without our Consent or Knowledge. This being thus done, some sent from you to treat with us shewed some of ours your Patent, which being read, they declared to yours, that New-Haven Colony is not at all mentioned in your Patent, and gave you some Reasons why they believed, that the King did not intend to put this Colony under Connecticut, without our Desire or Knowledge; and they added, that you took a preposterous Course in first dismembering this Colony, and after that treating with it about Union; which is as if one Man, purposing to treat with another about Union, first cut off from him an Arm, and a Leg, and an Ear, then to treat with him about Union. The Rev. Mr. Stone also, the Teacher of the Church at Hartford, was one of the Committee, who being asked what he thought of this Action, answered, that he would not justify it.

12. After that Conference, our Committee sent, by Order of the General Court, by two of our Magistrates, and two of our Elders, &c. a Writing, containing sundry other Reasons for our not joining with you, who also, finding that you persisted in your own Will and Way, declared to you our own Resolution to appeal to his Majesty, to explain his true Intendment and Meaning in your Patent, whether it was to subject this Colony under it or not? being perswaded, as we still are, that it neither was nor is his Royal Will and Pleasure to confound this Colony with yours, which would destroy the so long continued, and so strongly settled, Distinction of the four united Colonies of New-England, without our Desire or Knowledge.

13. That accordingly we forthwith sent our Appeal to be humbly presented to his Majesty, by some Friends in London; yet, out of our dear and tender Respect to Mr. Winthrop's Peace and Honour, some of us advised those Friends, to communicate our Papers first to the Honourable Mr. Winthrop himself, to the End that we might find out some effectual

Expedient, to put a good End to this uncomfortable Difference between you and us, also to prevent our humble Address to his Majesty. Accordingly it was done, and Mr. Winthrop stopped the Proceeding of our Appeal, by undertaking to our Friends, that,—&c.

N. B. The rest is wanting, either from some Leaves being tore or lost out of the Book, or from the whole being never entered.

New-Haven Colony then proceed to vote to apply to England for a Patent themselves, and laid a Rate to bear the Expence—and vote to appoint an Agent to solicit the Matter.

No. 21.

Governor Winthrop's Letter to Connecticut, before-mentioned.

GENTLEMEN,

I am informed by some Gentlemen who are authorized to seek Remedy here, That since you had the late Patent, there hath been injury done to the Government of New-Haven, and in particular at Guilford and Stamford, in admitting of several of the Inhabitants there unto Freedom with you, and appointing Officers, which hath caused Divisions in the said Towns, which may prove of dangerous Consequence, if not timely prevented, tho' I do hope the Rise of it is from Misunderstanding, and not in Design of Prejudice to that Colony, for whom I gave Assurance to their Friends, that their Rights and Interests should not be disquieted or prejudiced by the Patent, but if both Governments would, with unanimous Agreement, unite in one, their Friends judged it for Advantage to both; and further I must let you know, that Testimony here doth affirm, that I gave Assurance before Authority, that it was not intended to meddle with any Town or Plantation that was settled under any other Government, had it been any otherwise intended or declared, it had been injurious in taking out the Patent, not to have inserted a proportionable Number of their Names in it.—Now upon the Whole, having had serious Conference with their Friends, authorized by them, and with others, who are Friends to both, to prevent a tedious and Chargeable Trial, and uncertain Event here, I promised them, to give you speedily this Representation, how far you are engaged, if any Injury have been done, by admitting of Freemen, or appointing Officers, or any other unjust intermeddling with New-Haven Colony, in one Kind or other, without the Approbation of the Government, that it be forthwith recalled, and that for the

Future, there will be no imposing in any Kind upon them, nor admitting of any Members without mutual Consent, but that all Things be acted as loving neighbouring Colonies, as before such Patent granted, and unto this I judge you are obliged, I having engaged to their Agents here, that this will be by you performed, and they have thereupon forborne to give you or me any Trouble; but they do not Doubt, but upon future Consideration, there may be such a right Understanding between both Governments, that an Union and friendly Joining may be established, to the Satisfaction of all, which at my Arrival I shall also endeavour (God willing) to promote; not having more at present in this Case, I rest,

Your humble Servant,

JOHN WINTHROP.

Subscription. For Major John Mason, Deputy-Governor of Connecticut Colony, and the rest of the Court there, at Hartford.

N. B. Mr. Winthrop was the Governor of Connecticut Colony, at the Time of writing this Letter, and soon after returned from England, and was with the Commissioners, at the Time of their settling the Bounds of Connecticut.

August 11, 1664.

Upon Advice being received from Hartford, as coming from Boston, that certain Commissioners were appointed by the Crown to visit the New-England Colonies, and it being represented to New-Haven, that they would fare hardly without having any Charter, they agreed that Hartford should demand them, as being within their Charter, and that thereupon they, New-Haven Colony, should be silent, making no Opposition while the Bounds were settling.—And thereupon the same were settled at Maroneck River, as before-mentioned, and which included them.—They then wrote to Hartford the following Letter.

———

No. 22.

A Letter from New-Haven Colony to Connecticut, as followeth.

HONOURED GENTLEMEN,

We have been silent hitherto, as to the making any Grievance known unto the King's Commissioners, notwithstanding what may be with us of such Nature, from the several Transactions that have been amongst us, are desirous so to continue the managing of these Affairs in Ways consistent with

the ancient Confederation of the United Colonies, choosing rather to suffer, than to begin any Motion hazardful to New-England Settlements in Pursuance whereof (according to our Promise to your Gentlemen, sent lately to demand our Submission, tho' in a divided if not dividing Way, within our Towns, severally seeking to bring us under the Government of yourselves already settled, wherein we have had no Hand to settle the same, and before we had cleared to our Conviction the certain Limits of your Charter, which may justly increase the Scruple of too much Haste in that and former Actings upon us), the Generality of our undivided People have orderly met this 13th of Tenth Month (64) and by the Vote endorsed, have prepared for this Answer to be given of our Submission, which being done by us, then for the Accommodations of Matters betwixt us in an amicable Way, by a Committee impowered to issue with you on their Behalf, and in the Behalf of all concerned, according to Instructions given to the said Committee.—We never did, nor even do intend to damnify your moral Rights or just Privileges, consistent with our like honest Enjoyments, and we would hope that you have no further Step towards us, not to violate our Government Interest, but to accommodate us with that we shall desire, and the Patent bear, as hath been often said you would do; and surely you have the more Reason to be full with us herein, seeing that your Success for Patent Bounds with those Gentlemen now obtained, seems to be Debtor unto our Silence before them, when as you thus by single Application and Audience issued that Matter, you thus performing to Satisfaction, we may still rest silent, and according to Profession, by a studious and cordial Endeavour with us to advance the Interest of Christ in this Wilderness and by the Lord's Blessing thereupon, Love and Union between us may be greatly confirmed, and all our Comforts enlarged, which is the earnest Prayer of

Gentlemen,

Your loving Friends and Neighbours the Committee, appointed by the Freemen and Inhabitants of New-Haven Colony, now assembled,

New-Haven, Dec. 14, 1664. JAMES BISHOP, *Secretary.*

No. 23.

Answer from Connecticut Colony to New-Haven.

HARTFORD, *December* 21, 1664.

Honoured Gentlemen.

We have received yours, dated the 14th of this Instant, signed by James Bishop, &c. wherein you are pleased to mention

your Silence hitherto, as to the making any Grievance known to his Majesty's Commissioners, notwithstanding what may be with you, &c.—we can say the same, tho' we had fair Opportunities to present any Thing of that Nature.—As for your Desire to manage Affairs consistent with the Confederation, the present Motion will, we hope, upon a candid Review, not appear any ways dissonant therefrom; for besides the Provision made in one of the Articles of Confederation for two Colonies uniting in one, there was special Provision as you well know, made at the last Session of the Commissioners to that Purpose, conjoined with pathetical Advice and Council, to an amicable Union.—Our too much Forwardness with New-Haven, &c. is not so clear, seeing those Plantations you inhabit are much about the Center of our Patent, which our Charter limits as also the inclosed Determination of his Majesty's honourable Commissioners, will, to your Conviction, be apparent; that our Success for Patent Bounds with the King's Commissioners is Debtor to your Silence, seems to us strange, when your Non-compliance was so abundantly known to those Gentlemen, yea, the News of your Motions, when Mr. Joseph Allyn was last with you, was at New-York, before our Governor's Departure thence; notwithstanding your Silence, and yet so good an Issue obtained, we desire such Reflections may be buried in perpetual Silence, which only yourselves necessitating thereunto, shall revive them, being willing to pursue Truth and Peace as much as may be with all Men, especially with our dear Brethren in the Fellowship of the Gospel, and Fellow-Members of the same civil Corporation, accommodated with so many choice Privileges, which we are willing, after all is prepared to your Hands, to confer upon you equal with ourselves, which we wish may at last produce the long desired Effect of your free and cordial Closure with us, not attributing any Necessity imposed by us, further than the Situation of those Plantations in the Heart of our Colony, and therein the Peace of Posterity in these Parts of the Country is necessarily included, and that after so long Liberty to present your Plea when you have seen meet.—Gentlemen, we desire a full Answer as speedily as may be, whether those lately impowered, accept to govern according to their Commission, if not, other meet Persons to govern may by us be impowered in their Room; thus desiring the Lord to unite our Hearts and Spirits in Ways well pleasing in his Sight, which is the Prayer of your very loving Friends, the Council of the Colony of Connecticut.

Signed by their Order, by me

JOHN ALLYN, *Secretary.*"

No. 24.

The Last Reply of New-Haven Colony to Connecticut.

NEW-HAVEN, *January* 5, 1664.

Honoured Gentlemen,

Whereas by yours, dated December 21, 1664, you please to say, that you did the same as we, not making any Grievances known to the Commissioners, &c. unto that, may be returned, that you had not the same Cause so to do from any Pretence of Injury, by our intermeddling with your Colony or Government Interest, unto which we refer that Passage for our expressing Desires to manage all our Matters in Confederacy with the Confederation, we hope you will not blame us; how dissonant or consonant your Actings with us have been, we leave to the Confederation to judge as their Records may show—that Article, which allows two Colonies to join, doth also, with others, assert the Justness of each Colony's distinct Rights, until joined to mutual Satisfaction, and the Provision made in such Case the last Session, we gainsay not, when the Union is so compleated, and a new Settlement of the Confederation, by the respective General Courts, accomplished—their pathetical Advice for an amicable Union, we wish may be so attended—in Order thereunto, we gave you Notice of a Committee prepared to treat with you for such an Accommodation, unto which you gave us no Answer, but instead thereof, send forth your Edict from Authority upon us, before our Conviction for Submission was declared to you—the Argument from our intermixt Situation, is the same now as it was before our confederating and even since, and affords no more Ground now to disannul the Government than before—we might marvel at your Strange, why we should think your Success should be Debtor to our Silence, and that because the News of our Noncompliance was with the Commissioners, as if the mere News of such a Thing contained the Strength of all we had to say or plead.—Gentlemen, we intreat you to consider, that there is more in it than so, yea, that still we have to alledge Things of Weight, and know where and how, if we choose not rather—Cetera desunt.

No. 25.

The Letter Referred to in Narrative 20, *or State of New-Haven Case.*

CHARLES R.

Trusty and well Beloved, we greet you well.—Whereas we have been given to understand, that our good Subjects,

Thomas Chiffinch, John Scott, John Winthrop, Daniel Dennison, Simon Bradstreet, Thomas Miller, Richard Smith, Edward Hutchinson, Amos Richardson, John Alcock, William Hudson, and their Associates, having, in the Right of Major Asherton, a just Propriety in the Narraganset Country, in New-England, by Grants from the native Princes of that Country, and being desirous to improve it into an English Colony and Plantation, to the enlarging of our Empire and the common Good of our Subjects, they are yet daily disturbed, and unjustly molested in their Possession and laudable Endeavours, by certain unreasonable and turbulent Spirits of Providence Colony, of New-England aforesaid, to the great Scandal of Justice and Government, and the imminent Discouragement of that hopeful Plantation.

"We have therefore thought fit hereby effectually to recommend the said Proprietors to your neighbourly Kindness and Protection, the Proprietors to be permitted peaceably to improve their Colony and Plantation in New-England, willing you, on all Occasions, to be assisting to them against such unjust Oppressions and Molestations, that so they may be secured in the full and peaceable Enjoyment of their said Country, according to the Right and Title they have to it, wherein we will not Doubt of your Readiness and Care, and shall, on all good Occasions, express how graciously we accept of your Compliance with this our Recommendation, and so we bid you Farewell.

Given at our Court, at Whitehall, the 21st Day of June, 1663, in the Fifteenth Year of our Reign.

By His Majesty's Command,

HENRY BENNETT.

His Majesty's Sign Manual annexed.

—Indorsed and directed as followeth,—To our trusty and well beloved Subjects, the Governor and Assistants of the Massachusetts, Plymouth, New-Haven, and Connecticut Colonies.

No. 26.

Remarks.

Here ends the History of the old Colony of New-Haven, which begun in a voluntary Association for the Purposes of Government, and who extended their Settlements wherever they found it convenient. Their principal Plantations were along the Sea Coast, from Guilford on the East, to Greenwich,

or Rye, on the West, with the Exceptions of Norwalk, Fairfield and Stratford, which belonged to Hartford. Hartford old Colony was mostly comprised within a Part of the present Counties of Hartford and New-London. Upon both these Colonies being melted down into one, under the Charter, all Plantations which were without the Limits of the Charter dropped off of course. Those attempted on Delaware-Bay, long before the Charter, never came to any Thing, being opposed by the Dutch and Swedes; and after the Charter were never more heard of or resumed.

The present practical Colony of Connecticut is situated as follows; agreeable to President Clapp, viz.

On the Sea Shore, from Byram River, in Lat. 40° 51′ N. Long. 74° 10′, to Paukatuck River, in Lat. 41° 17′, Long. 72° 25′, is about 88 Miles, on a straight Line.

The present East Line, next Rhode-Island, is 45 Miles.

The North Line, on the Massachusetts Colony, 72 Miles.

West Line, on New-York, 73 Miles.

	Miles.
The present Extent of Connecticut on the South, or Sea, as above stated, is	88
From Paukatuck River, the established East Bounds, to the Mouth of Narraganset-Bay, the Bounds mentioned in the Charter, in a straight Line, about	25
From Byram River, the present Bounds on the West, to Maroneck River, the Bounds fixed by theCommissioners in 1664, about	7
This gives, in the Whole, the Front mentioned in Lord Say and Seal's Grant, ...	120

A Line drawn North-North-West from Maroneck River, would be at Right Angles with the Coast thereabout, and nearly so with the general Course of the Coast to Narraganset Bay.

Thus Rhode-Island has taken off 25 Miles on the East, and New-York 7 Miles on the West, from the Sea Line in Lord Say and Seal's Grant.

Whether the Commissioners, in fixing the Line N. N. W. from Maroneck River, had any Regard to either of those Circumstances—or whether they meant only to include to Connecticut their most Western Settlement, which at that Time was the Town of Rye—and whether that Settlement was or was not made, with a Regard to the Extent of 120 Miles from Narraganset-Bay—does not appear from any authentic Memorials, but is left to Conjecture. But it is not easy to account, why this Distance should be the same as in Lord Say and Seal's

Grant, if a Regard had not been paid thereto. Connecticut plead a Right in this Grant before the Commissioners the following Year.

N. B. The present Western Bounds, at Byram Brook, are nearly the same with those agreed upon by the Dutch and New-Haven old Colony in 1650, said to be to the West Side of Greenwich-Bay.

No. 27.

Act of Assembly, in Favour of the Susquehanna Company, so Called. Anno Regni Regis Georgii II. Vicessimo Octavo.

At a General Assembly of the Governor and Company of the Colony of Connecticut, holden at Hartford, on the second Thursday of May, Anno Domini 1755.

Upon the Petition of Phineas Lyman, Roger Wolcott, jun. Samuel Gray, Abraham Davenport, Esquires, and others, their Associates, to the Number of about Eight Hundred and Fifty, known by the Name of The Susquehanna Company, by their Agents George Wyllys, Daniel Edwards, Samuel Talcott, Thomas Saymour, and Eliphalet Dyer, representing that the Colony, according to the express Limits of its Royal Charter, is in Extent from the Narraganset-Bay on the East, to the South Sea to the West, and from the Sea Shore on the South, to the Line of the Massachusetts Province on the North; that within and towards the western Part of its Limits, are, and Time immemorial have been, large Numbers of the Indian Nations, commonly called the Six Nations, dwelling, improving and claiming a large Extent thereof—that a certain large Parcel of such their Claim, situate and lying on the Waters of the Susquehanna, about 70 Miles North and South, and from about 10 Miles East of said River, extending Westward two Degrees of Longitude, they the said Indian Nations (not) finding necessary for their own Use, have, for very valuable Considerations, been induced to relinquish, and to sell to the said Petitioners, and that some well ordered Plantation, in so near a Neighbourhood to the said Nations, might most likely be a Means to cement and fix them in Friendship with his Majesty's Subjects—and that they, the said Indian Nations, are desirous such Settlement might be promoted and carried on, as being conducive to their Interest and Safety; and thereupon praying the Consent of this Assembly, that his Majesty, if it shall be his Royal Pleasure, grant said Land to the Petitioners, and their Associates, thereon to erect and settle a Colony, for the

more effectual securing said Indians in his Majesty's Interest, and Defence of his Majesty's Dominions in North-America, with Liberty of further Purchases of said Indians to said Purpose, as Occasion may be.

Resolved by this Assembly, that they are of Opinion that the peaceably and orderly erecting and carrying on some new and well regulated Colony or Plantation, on the Lands above mentioned, would greatly tend to fix and secure said Indian Nations in Allegiance to his Majesty, and Friendship with his Subjects, and accordingly hereby manifest their ready Acquiescence therein, if it should be his Majesty's Royal Pleasure to grant said Land to said Petitioners, and thereon erect and settle a new Colony, in such Form, and under such Regulations as might be consistent with his Royal Wisdom—and also take Leave, humbly to recommend the said Petitioners to his Royal Favour in the Premises.

The Susquehanna Company, about three or four Years ago, by their Committee, in a Memorial to the Assembly, offered and resigned to the Colony all their Right in the before-mentioned Lands, trusting to their Goodness, if they should recover and settle the same, to give to the Company, in respect to their Purchase of the Indian Native Right, such Part of the Lands, as they should think proper; but 'tis said the Assembly did not pass any Act, declaring their Acceptance of the Resignation, and that the same was not made by any Deed from the Persons interested, and so it seems to be a Question in that Colony, Whether the Right of the Susquehanna Adventurers, whatever the same may have been, does not remain in them still.

The first Application to the Assembly of Connecticut Colony, for Lands to the Westward, was made by a Mr. Hazard, late of Philadelphia, some little Time before that of the Susquehanna Company before mentioned, in whose Favour, the Assembly passed an Act or Resolve, much to the same Effect with the above, for the Lands 'tis said lying from 100 Miles to the Westward of the Province of Pennsylvania, to 100 Miles to the West of the River Mississippi.

FINIS.

CONNECTICUT RECORDS

AS EXAMINED BY THE

STATE OF PENNSYLVANIA

IN 1782.

THE CONNECTICUT RECORDS.

The Fenwick Agreement.

Articles of Agreement made, and concluded betwixt George Fenwick, Esq^{r}., of Saybrook Fort on the one part, and Edward Hopkins, John Haynes, John Mason, John Steel and James Boosey for and on the behalf of the Jurisdiction of Connecticut River on the other part, the 5th of December, 1644. The said George Fenwick Esq^{r}., doth by these presents convey and make over to the use and for the Behoof of the Jurisdiction of Connecticut River aforesaid, the Fort at Saybrook with the Appurtenances hereafter mentioned to be enjoyed by them forever.

Two deme culverin cast Peices with all the Shot thereunto appertaining except Fifty which are reserved for his own Use. Two long Saker cast peices with all the Shot thereunto belonging.' One Murtherer with two Chambers, and two hamered Peices, two Barrels of Gun Powder, Forty Musquets with Pandeliers and Rests, as also four carabines, Swords, and such Irons as are there for a Draw Bridge, one Sow of Lead and Irons for the Cariages of Ordinance and all the Housing within the Palisado.

It is also provided and agreed betwixt the said Parties that all the Land upon the River of Connecticut shall belong to the said Jurisdiction of Connecticut, and such Lands as are yet undisposed shall be ordered and given out by a Committee of Five whereof George Fenwick Esq^{r} aforesaid is always to be one.

It is further provided and agreed That the Town of Saybrook shall be carried on according to such agreements and in that way which is all ready followed there, and attended betwixt Mr Fenwick and the Inhabitants there.

It is also provided and agreed betwixt the said Parties, that George Fenwick Esq^{r} shall have Liberty to dwell in, and make use of any or all the Housing belonging to the said Fort for the space of Ten Years, he keeping those which he makes use of in sufficient repair (extraordinary Casualties excepted) and in Case he remove his dwelling to any other place that he give half a years warning thereof that Provision may be made accordingly, only it is agreed that there shall be some convenient

part of the Housing reserved for a Gunner and his Family to live in if the Jurisdiction see fit to settle one there.

It is further provided and agreed betwixt the said Parties that George Fenwick Esq^{r} shall enjoy to his own proper use these particulars following.

The House near adjoining to the wharff with the Wharff and an Acre of Ground thereunto belonging Provided the said Acre of Ground take not up above eight Rods in breadth by the waterside.

The point of Land and the Marsh lying under the Barn already Built by the said George Fenwick.

The Island commonly called six Mile Island with the Meadow thereunto adjoining on the East side the River.

The Ground adjoining to the Town Field which is already taken off and inclosed with three Rayles by the said George Fenwick, only there is Liberty granted to the said Jurisdiction if they see fit to build a Fort upon the western point whereunto there shall be allowed an Acre of Ground for a House Lott.

It is also provided and agreed That the said George Fenwick Esq^{r} shall have free Warren in his own Lands, and Liberty for a Fowler for his own Occasions, as also the like Liberty is reserved for any other of the Adventurers that may come into these Parts with a double House Lot in such place where they may chuse to settle their abode.

All the forementioned Grants except before excepted the said George Fenwick, Esq^{r} doth engage himself to make good to the Jurisdiction aforesaid against the Claim that may be made by any other to the premises by Reason of any Disbursements made upon the place.

The said George Fenwick doth also promise that all the Lands from Narraganset River to the Fort of Saybrook mentioned in a Pattent granted by the Earl of Warwick to certain Nobles and Gentlemen shall fall in under the Jurisdiction of Connecticut *if it come into his Power*, For and in regard of the Promises and other good Considerations the said Edward Hopkins, John Haynes, John Mason, John Steel, and James Boosey Authorized thereunto by the General Court for the Jurisdiction of Connecticut, Do in behalf of the said Jurisdiction promise and agree to and with the said George Fenwick Esq^{r} That for and during the space of ten full and compleat years to begin from the first of March next ensuing the date of these presents there shall be allowed and paid to the said George Fenwick or his Assigns the perticular Sums hereafter following:

Each Bushel of Corn of all sorts or Meal that shall pass out at the Rivers mouth shall pay two pence p^{r} Busshel.

Every Hundred of Bisquet that shall in like manner pass out at the Rivers Mouth shall pay sixpence.

Each Milch Cow, and Mare of three years old or upwards within any of the Towns or Farms upon the River shall pay Twelve pence p^r^ Annum during the foresaid Term.

Each Hog, or Sow that is kil'ed by any perticular Person within the Limits of the River and the Jurisdiction aforesaid to be improved either for his own perticular Use, or to make Market of shall in like manner pay Twelve pence p^r^ Annum.

Each Hogshead of Beaver traded out of this Jurisdiction and past by Water down the River shall pay Twenty shillings Each pound of Beaver traded within the Limitts of the River shall pay two pence, only it is provided that in Case the General Trade with the Indians now in Agitation proceed, this Tax upon Bever mentioned in this and the foregoing Article shall fall.

The said Committee do by the Power aforesaid consent and agree to and with the said George Fenwick Esq^r^ That he the said George Fenwick and his heirs shall be free of any Imposition or Costomes that may hereafter by the Jurisdiction be imposed at the Fort.

It is agreed that the aforesaid Payments shall be made in manner following:

What shall be due from the Grain that is Exported shall be paid in Grain according to the proportion of the several kinds of Grain that do pass away at the common current price, neither attending such prices on the one Hand that the Court may set, nor yet on the other Hand such as Corn may be sold at through the necessities of Men, and in Case of any difference then the price shall be set by two good men the one chosen by Mr Fenwick and the other by the Court, what shall be due otherwise shall be paid in Beaver, Wampum, Barley, Wheat or Pease, the former Consideration for the price to be herein also attended; and it is provided and agreed that a strict order and Course shall be taken in observing what Grain is put abord any Vessel that goeth down the River from any of the Towns, and due notice being taken thereof every Boat or Vessel shall be enjoined to take a Note from some depured by the Court in each Town what quantities and kinds of Grain are aboard the said Vessel and to deliver to M^r^ Fenwick or his Assigns at Saybrook so much as will be due to him according to the forementioned agreements. And likewise for the other payments due a Care shall be taken that they be made at the place aforesaid in as convenient a way as may be comfortably attended and that all indirect Courses be prevented whereby the true meaning of these agreements may be Evaded.

In Witness whereof the Parties before mentioned have hereunto put their Hands the day and Year abovesaid.

GEORGE FENWICKE
EDWARD HOPKINS
JOHN HAYNES
JOHN MASON
JOHN STEEL
JAMES BOOSEY

It was afterwards concluded both by the General Court of Connecticut and M^r^ Fenwick that in Case there should any Difference arise touching the Interpretation of any of the within mentioned Agreements the determination and Issuing thereof should be referred to those who made the said Agreements being best acquainted with their own intendments.

It was also agreed betwixt George Fenwick Esq^r^ and the Com^tee^ within mentioned the 11^th^ of October 1645 in regard there hath not been a due and full attendance to the said Agreements this present Year, by means which in part arose from the unwillingness in Masters of Vessels to stay always at Saybrook for the delivery of the Corn due to M^r^ Fenwick, that the said Agreements shall begin and take place from the first of March next being 1645 to the end and Term of Ten Years and for the preventing of the aforementioned dificulty George Fenwick Esq^r^ doth agree is content to take what Corn shall be due unto him at the Towns of Hartford or Weathersfields and the said Committee doth in behalf of the General Court and by Virtue of Power committee to them agree and undertake that at any Time within fourteen Days after warning and notice given by George Fenwick, Esq or his Assigns there shall be delivered to any Vessel he or they shall appoint such Corn as is due to him by Virtue of this Agreement at either of the Towns aforesaid. Nevertheless it is still provided that the Master of every Vessel carry a Note of the quantities of Grain with the several kinds thereof that are laden by any aboard his Vessel from such Persons as are deputed by the General Court to that Service and deliver it to George Fenwick or his Assigns before they depart from Saybrook under the penalty mentioned in an Order made by the General Court of Connecticut for preventing of any indirect or collusive proceedings in violation of the said Agreement.

And whereas several penalties are by the said Order to be inflicted upon such as shall transgress or seek to evade the true meaning of the said Agreements. It is now agreed and consented to by the aforesaid Committee that the one half of that which is so forfeited by any shall be and appertain to the said George Fenwick Esq^r^ or his Assigns and the other to such as shall inform.

E. HOPKINS.

A true Copy from the ancient Records of the State of Connecticut.

Examined
By GEORGE WYLLYS, *Secretary.*

The Proceedings of the New England Commissioners.

At a Meeting of the Commissioners for the united Colonies of New England held at Boston the second September, 1658.

The Issue of the difference between the town Colonies of the Massachusetts and Connecticut about the Pequot Country being jointly referred to the Cõmmissioners of the other two Colonies is as followeth:

Whereas there is controversy again revived between the two Colonies of Massachusetts and Connecticutt concerning their Interest in the Pequot Country, and many Pleas have been made on both Sides; for their greater Interests We having seriously weighed what hath been by each of them alledged, Conceive the Determination doth arise only from the several Rights by Conquest, the which from ought we can understand is not greatly different, Yet being tender of any Inconvenience or Disturbance that may arise or accrue to those that are already possessed Either by Commission from Massachusetts or Connecticut in any part thereof should they now be put out of their Improvements

And also upon Inquiry find not the Pequot Country which extendeth from Naantick unto a place called Wekapaug about Ten Miles Eastward from Mistick River may conveniently accomodate two Plantations or Townships, We therefore respecting things as they now stand do conclude, That Mistick River be the Bounds between them as to Proprietary Jurisdiction so far as Conquest may give Title thereunto, Allways Provided that such as are already accomodated by Commission from Either of the said Governments or have Grants of any Tract of Land on any side of the said Mystick River be not molested in any their Possessions or Rights by any after Grants, and that all due Care be had that Christian Society and Ordinances may be provided for, and upheld according to God in each Plantation.

THOMAS PRINCE
JOSIAH WINSLOW
FRANCIS NEWMAN
WILLIAM LEETS

BOSTON 16th *Sep*br '58.

By Bounding it by Mistick River We intend that the River should be the Bounds so far as the Pond by Lanthorn Hill and thence from the middle of the said Pond to run away upon a North Line.

A true Copy from the Records of the Comissioners of the united Colonies, in the Secretary's Office of the State of Connecticut.

Examin[d],
By GEORGE WYLLYS, *Secretary.*

———

At a Meeting of the Commissioners for the United Colonies of New England held at Hartford, September first, 1659.

A controversie betwixt the Governments of Massachusetts and Connecticut determined as followeth:

Concerning their several Rights in the Pequot Country formerly heard by the Commissioners of the other two Governments was now again revived, and a Review desired by Major John Mason, and Daniel Clark, Agents appointed and impowered by the General Court of Hartford the forementioned Pleas on either Side presented being daily weighed and considered by the Commissioners of the other two Colonies, We do declare as followeth viz,

That we se no cause to vary from the determination the last year, we finding no meterial new Evidence, on either side that might draw us thereunto, For although Connecticut have largely pleaded their Right by Pattent yet they have not produced any, nor proved it to our satisfaction, much less have they proved that this Pattent that they speak of doth include the Lands in Controversy; As to their mutual plea of Possession we wave it, as finding them both to be thought at several Times possessed.

To the main plea of Conquest on which the Hinge of our determination principally depends, We cannot but consider them as joint Conquerors their Cause and Quarrel being the same, and against the same common Enemy, for altho' the Victory obtained against them at Mistick Fort (which was the great Blow given them in the Pequot Country) must be given to the forces of Connecticut only (under God) yet it is evident that the Massachusetts were at the same time upon motion, having the same design in their Eye, and though their remoteness made them too late to engage with them in that Expedition, yet its undeniable that the Massachusetts struck in with them in the prosecution of the same War, and did though persued to another Place Vanquish the same Enemy, without which the con-

quest was not Compleat, and might yet have proved difficult. And if we look into the Ancient Records of the Commissioners we shall find that the Right of the Massachusetts by Conquest was at no Time denyed, sometimes called a joint Conquest and at a Common Charge and at that Time when the Plantation of New London was given to Connecticut its in the very Act implyed that there is a reservation still made for them.

JOS. WINSLOW
THOMAS SOUTHWORTH
FRANCIS NEWMAN
WILLIAM LEETS

HARTFORD, *September* 14th, 1659.

A true Copy from the Records of the Commissioners of the united Colonies in the Secretary's Office of the State of Connecticut.

Examin[d]
By GEORGE WYLLYS, *Secret'y*

The King's Letter to the Colony.

To our Trusty and well beloved Our Governor and Council of our Colony of Connecticut in New England.

Charles R.

Trusty and well beloved We greet you well, having according to the resolution We declared to M[r] John Winthrop at the Time when we renewed your Charter, now sent these Persons of known Abilities and affection to Us, that is to say Co[l] Richard Nichols S[r] Robert Car Knt. George Cartwright Esq[r] and Samuel Mavericke Esq[r] as our Commissioners to visit those our several Colonies and Plantations in New England, to the end that We may be the better informed of the State and welfare of our good Subjects, whose prosperity is very dear to us, We can make no question but that they shall find that reception from you, which may testify your respect to Us from whome they are sent for your Good, We need not tell you how careful we are of your Liberties and Privileges whether Ecclesiastical or Civil which we will not Suffer to be violated in the least degree, and that they may not be, is the principal Business of our said Commissioners as likewise to take Care, that the Bounds and Jurisdiction of our several Colonies there may be clearly agreed upon, that every one may enjoy what of right belongs unto them without strife and Contention, and especially that the Natives of that Country who are willing to live peaceably and Neighbourly with Our English Subjects may receive such Justice and civil Treatment from them as may

make them the more in Love with their Religion and Manners; So not doubting of your full Complyance and Submission to our desire We bid you farewell.

Given at our Court at Whitehall the 23d day of April 1664 in the 16th Year of our Reign.

By his Majestys Command

HENRY BENNET.

To the Governor and Council of Connecticut in New England.

A true Copy of the original Letter, in the Secretary's Office, of the State of Connecticut.

Examind

By GEORGE WYLLYS, *Secret'y.*

By Virtue of his Majesty's Commission We have heard the differences about the Bounds of the Pattents granted to his Royal Highness the Duke of York and his Majesty's Colony of Connecticut, and having deliberatly considered all the Reasons alledged by Mr Allyn Senior Mr Gold, Mr Richards, and Capt. Winthrop appointed by the Assembly held at Hartford the 13th day of October 1664 to accompany John Winthrop Esqr the Governor of his Majesty's Colony of Connecticut to New York, and by Mr Howel and Captain Young of Long Island, why the said Long Island should be under the Government of Connecticut, which are too long here to be recited; We do declare and Order that the Southern Bounds of his Majestys Colony of Connecticut is the Sea, and that Long Island is to be under the Government of his Royal Highness the Duke of York as is exprest by plain words in the said Pattents respectively.

And also by Virtue of his Majestys Commission and by the consent of both the Governors, and the Gentlemen abovenamed, We also Order and declare, that the Creek, or River called Mamoronock which is reputed to be about Twelve Miles to the East of West Chester, and a Line drawn from the East point, or side where the fresh Water falls into the Salt at highwater mark, North North West to the Line of the Massachusetts, be the Western Bounds of the said Colony of Connecticut, and all Plantations lying westward of that Creek, and Line so drawn, to be under his Royal Highness Government, and all Plantations lying Eastward of that Creek and Line, to be under the Government of Connecticut.

Given under our Hands at Fort James in New York on Manhatans Island the 30th day of November 1664.

RICHARD NICOLLS
GEORGE CARTWRIGHT
SAMUEL MAVERICKE.

We under writen on the behalf of the Colony of Connecticut, have assented unto the determination of his Majestys Commissioners in relation to the Bounds and limits of his Royal Highness the Dukes Pattent and the Pattent of Connecticut Nov^{br} 30th, 1664

JOHN WINTHROP
MATHEW ALLYN
NATHAN GOLD
JAMES RICHARDS
J. WINTHROP

A true Copy of an Original as on file in the Secretary's Office of the State of Connecticut.

Examin^{d}.

By GEORGE WYLLYS, *Secret'y.*

Proceedings of the King's Council.

At the Court at Kensington the 28th day of March, 1700.

Present.

The King's most Excellent Majesty.

Lord Arch Bpp of Canterbury,	Earl of Tankerville.
Lord Chancelor,	Earl of Jersey.
Lord President,	Lord Ferrers.
Duke of Bolton,	Lord Lexington.
Lord Great Chamberlain,	M^{r} Montague.
Earl of Stamford,	M^{r} Secretary Vernon.

Whereas at a Council held at Fort James in New York the 23^{d} of November, 1683, certain Articles of agreement were concluded, between Colonel Thomas Dongan, then Governor of that Province and the Council of the said Province, on one side, and Robert Treat Esq^{r} Governor of the Colony of Connecticut, Major Nathaniel Gold, Captain John Allyn, Secretary, and M^{r} William Pitkin in Commission with him from Connecticut, on the other side in the words following:

It is agreed that the Bounds Meers, or Dividend between his Royal Highness's Territories, or Province in America, and the Colony of Connecticut, forever hereafter shall begin at a certain Brook or River called Byram Brook, or River, which River is between the Towns of Rye and Greenwich, that is to say at the mouth of said Brook where it falleth into the Sound, at a point called Lyons Point, which is the Eastward point of Byram River, and from the said Point, to go as the said River runeth to the place where the common Road, or wading place over the said River is, and from the said Road or Wading Place to go North North West into the Country so far as will be eight

English Miles from the aforesaid Lyons Point, and that a Line of Twelve Miles being measured from the said Lyons Point according to the Line or General Course of the Sound Eastward, where the said Twelve Miles endeth, another Line shall be run from the Sound eight Miles into the Country North North West, and also that a fourth Line be run, that is to say from the Northmost end of the eight Mile Line being the third mentioned Line, which fourth Line with the first mentioned Line shall be the Bounds where they shall fall to run, and that from the Eastward End of the fourth mentioned Line which is to be Twelve Miles in length, a Line parallel to Hudsons River in every place Twenty Miles distant from Hudsons River shall be the Bounds there, between the said Territories or Province of New York and the said Colony of Connecticut so far as Connecticut Colony doth extend Northwards, that is to the South Line of the Massachusetts Colony, only it is provided that in Case the Line from Byram Brooks mouth North North West eight Miles, and the Line that is then to run twelve Miles to the end of the third forementioned Line of eight Miles, do deminish or take away Land within Twenty Miles of Hudsons River, That then so much as is in Land diminished of Twenty Miles from Hudsons River thereby, shall be added out of Connecticut Bounds unto the Line aforementioned Parallel to Hudsons River and Twenty Miles distant from it the addition to be made the whole length of the said Parralel Line, and in such breadth as will make up quantity for quantity, what shall be diminished as aforesaid.

That what Arrearages are due from the Town of Rye to the Colony of Connecticut, for former years, and the present years Rate shall be paid to Connecticut.

That two Surveyors be appointd the one from New York and the other from Connecticut to make a Survey and Run the before mentioned Lines, Partitions, Limitts and Bounds between his Royal Highness's Province of New York and the Colony of Connecticut, and the Surveyors are to meet at the Town of Stamford on the first Wednesday of October next ensuing, and to be directed by one of the Council and two more commissioned from each Government.

That if it shall please the Kings Majesty and his Royal Highness, to accept and confirm these Articles they shall be good to all intents forever between his Royal Highness and his Heirs and Assigns and the Corporation of Connecticut, and their Successors, and this Agreement to be in full force, Power and Virtue from the Day of the Date hereof; In Witness whereof the Parties above mentioned have to these Presents interchangably set their Hands and Seals at Fort James in New

York the 28th day of November in the Thirty fifth Year of his Majestys Reign Annoq Dom 1683.

And Whereas in pursuance of the foresaid agreements, an actual survey of the Lands and Places therein mentioned, was also made and reported, by the Surveyors and Commissioners appointed for that service in the words following:

By Virtue and in pursuance of a Commission bearing Date the Twenty-sixth day of September 1684, from the right Honorable Colonel Thomas Dungan Governor General of all his Royal Highness's Territories in America &c.

We under written did upon the first Wednesday of this Instant October meet at Stamford Major Nathaniel Gold Captain Jonathan Sellek Ensign Daniel Sherman and Mr John Herriman Surveyor Commissioned by a General Court held at Hartford as by the Commission they produced bearing date May the 8th 1684 doth fully appear. We went to Lyons Point on the East side of Byram River and from the Mouth of the said River where it falls into the Sea We measured up the said River and found it to be, one Mile and a half and Twenty Rods, bearing North half Easterly, and so came to a great Stone at the wading Place where the Road cuts the said River. Thence directed our Course North North West six Miles and a half and there marked three white Oak Trees, as in the Mergent, then directed our Course West and by North seven Miles and one Hundred and Twenty Rods which brought us to the Northermost end of a Reach of Hudsons River, which bears we judge South and by West a quarter westerly, and North and by East a quarter Easterly which above said Line falls upon the said Reach about three Miles above Fredrick Phillips's upper Mills over against Tapan, and the said River bearing North, as to its general Course upwards, we concluded the above mentioned West and by North to be the shortest from said three markd Trees to Hudsons River, and having unanimously concluded that part of the Sound from Lyons Point Easterly to bear East North East, We did from said Trees at eight miles distance run a parralel to the Sound (viz) East North East Twelve Miles, and still continued said Twelve Miles Line East Northeast, one Mile and sixty Rods which then gave Twenty Miles from Hudsons River and is Eight Miles North North West from the Sound;

Then finding the oblong of Twelve Miles East North East, and Eight Miles North North west did diminish Sixty One Thousand four Hundred forty Acres from the Twenty Miles from Hudson River we added to the abovesaid Twenty Miles upon the East North East Line three Hundred and Five Rods more to run at the additional breadth parrallel to Hudsons

River, till it meet with the Massachusetts Line, which we deemed one Hundred distant Miles from our eight Mile Line, which several Courses, with their distances together with three Hundred, and five Rods added do clearly appear in the Platt by the surveyors drawn and hereto annexed, which addition of three hundred and Five Rods we referr for its Confirmation and Ratification to the two Governments from whence We are imployed, and that the above written is a true {copy} of our proceedings We have this 10th of October the Year above written subscribed our Names.

JOHN YOUNGS
JOHN BELL
PHILIP WELLS
ROBERT VORCKLAIN
} Commissioners for New York.

NATHAN GOLD,
JONATHAN SELLICK
DANIEL SHERMAN
JOHN HARRIMAN
} Com'rs for Connecticut.

And forasmuch as the Lords Commissioners of Trade and Plantations, have represented to his Majesty upon occasion of a late difference, and dispute between the said province and Colony, relating to the Right of Government over the Towns of Rye, and Bedford, lying on their Borders, that it may be necessary for the terminating of that difference and preventing all future disputes about the Division Line and Boundaries between the said Province and Colony That his Majesty would please to declare his Royal Approbation and Confirmation of the said Agreement and Survey; His Majesty is graciously pleased with the advice of his privy Council to approve and Confirm the same, and pursuant to his Royal Pleasure thereupon signified, and expressed the said Agreements and Survey are hereby approved and confirmed accordingly.

Whereof the respective Governments of New York and Connecticut the Towns of Rye and Bedford and all Persons whom it may concern are to take due Notice and Conform themselves thereunto. JOHN POVEY.

A true Copy of an Original on file in the Secretary's Office of the State of Connecticut.

Examin^d.

By GEORGE WYLLYS, *Secretary.*

The Agreement Between New York and Connecticut.

Articles of Agreement made and concluded at Greenwich in the Colony of Connecticut on the Twenty ninth day of April

in the Eleventh Year of the Reign of our Sovereign Lord George of Great Britain, France and Ireland King defender of the Faith &c and in the Year of our Lord One Thousand seven Hundred and Twenty five, Between Francis Harrison, Cadwallader Colden Surveyor General of the Province of New York and Isaac Hicks Esq[r] Authorized and appointed by his Majestys Commission under the great Seal of said Province and dated at Fort George in New York the third Day of this Instant Month in the Year above written, To Run, mark out distinguish and ascertain the Lines of Partition and Division between said Province and the Colony of Connecticut on the one side, And Jonathan Law Samuel Eels Roger Wolcott Esq[rs], and John Copp and Edmund Lewis Surveyors, Commissioners appointed and Authorized by the Colony of Connecticut to meet with the Commissioners from New York to treat with, settle, agree, Run, ascertain, and fix the Partition Lines between the Province of New York and Colony of Connecticut on the other side.

Imprimis it is hereby stipulated, covenanted, and firmly agreed to, by and between us the Commissioners of the Province of New York aforesaid, and the Commissioners and Surveyors of the Colony of Connecticut aforesaid respectively appointed for running, settling and ascertaining the Lines of Partition and Division between the said Province and the said Colony, That we the said Commissioners and Surveyors shall begin at Lyons Point, and from thence run by the Compass a Line North half a point Easterly, One Mile and an half and Twenty Rods, and from the end of the said Line we shall run a straight Line to the Rock at the Road or wading place, and observe the distance from the said Rock and the end of the said Line, Then we shall run from the said Rock North Nor West six Miles and an half, and if we shall not find the Trees marked at the end thereof which are supposed to be the same marked by the Surveyors in the Year One Thousand Six Hundred Eighty four, We shall Run a Straight Line from the end of the said North Nor West Line, to the said supposed Trees, And if then we shall find that the distance between the end of the said North Nor West Line, and the s[d] supposed Trees is not greater than the distance between the Line from Lyons Point North half a point Easterly, and the aforesaid Rock in proportion as one Mile and a half and Twenty Rods is to six Miles and an half, There we do Agree that the said supposed Trees are verily the Trees that were marked by the Commissioners and Surveyors in the Year One Thousand six hundred Eighty four, But if we shall find that the distance between the end of the said North Nor West Line and the supposed Trees is greater in proportion to the distance between the end

of the Line from Lyons Point and the Rock than six Miles and an half is to the Distance of one Mile and an half and Twenty Rods, Then we shall Erect a Monument at the end of the —— North Nor West Line as the end of the said Division Line between Province of New York and the Colony of Connecticut Provided that nevertheless that if either the Commissioners and Surveyors of the Province of New York, or the Commissioners and Surveyors of the Colony of Connecticut, shall declare and insist that the Lines run before mentioned have not to their Satisfaction determined the true place of the end of the said North Nor West Line, That then we will run West and by North to Hudsons River and then if the distance of seven Miles and one hundred and Twenty Rods, agree with the end of the said North Nor West Line or with the supposed Trees marked in One Thousand six Hundred Eighty Four, We will Establish either the said Trees, or the End of the said North Nor West Line Whichsoever of them shall nearest agree with the same distance of seven Miles and one hundred and Twenty Rods, that is to say if the Trees be nearer to the distance of seven Miles and one hundred and twenty Rods over or under, than the End of the said North Nor West Line then we will establish the said Trees as the Boundary and Limit between the Province of New York and Colony of Connecticut, and a straight Line between the said Trees when so confirmed and the great Rock at the wading place shall be so far the Line of Partition between the province of New York and the Colony of Connecticut, But if the End of the North Nor West Line to be run as aforesaid shall be nearer to the distance of seven Miles and one hundred and Twenty Rods from Hudsons River over or under than the said Trees, Then we do agree to establish the said North Nor West Line as the Line of Partition and division so far between the Province of New York and the Colony of Connecticut, and will Erect a Monument at the place so agreed to, and after we shall have established either the said Trees, or the said North Nor West Line then a Line parallel to the Sound run from said Trees or from the Northermost end of the said North Nor West Line, that is to say from which so ever of them shall be Established as the Limit, and Boundary as aforesaid, and runing East North East thirteen Miles and Sixty four Rods, shall be so far the Line of Partition and Division between the said Province of New York and the Colony of Connecticut and We will Erect a Monument at the End of the said East North East Line which Monument shall be deemed and Esteemed to be Twenty Miles from Hudsons River.

In the next place after we shall have established the End of the said East North East Line as Twenty Miles from Hudsons

River, We shall go to a point of Land on the East side Hudsons River commonly known by the Name of Cortlands Point Which is nearly opposite to Stoney Point, or to the beginning of the Highlands, and from the most Westerly part of the said Cortlands Point, We shall Run an East Line according to the Compass Twenty Miles, at the end of which Twenty Miles we shall erect a Monument and then we shall run a straight Line from the Monument at the end of the aforesaid East North East Line to the Monument at the End of the East Line from Cortlands Point, which Line shall be deemed and esteemed so far a parallell Line to Hudsons River, and every where Twenty Miles from it; Then from the Monument at the End of the East Line from Cortlands Point we shall run a Random Line to the Line of the Massachusetts Bay now established between the Colonies of Connecticut and the Massachusetts Bay, which Line shall be run by one Course Except only where it shall meet with large Ponds or large Swamps and precipices, and Rocks which shall be very difficult to pass over, in which places it shall be allowable to go aside from the s^{d} Course in Order to avoid the said Difficulties; provided that as soon as the said difficulties shall be avoided the Surveyors who shall run the said Line do Return to their first Course, and run the said Line nearly according to the Rules of Art as if they had continued in One Line, and as they should have done if no such Difficulty had interupted them in their Course; Then we shall continue the Line of the Massachusetts Bay to Hudsons River, and when this shall be done we will compute at what place a Line running East and by South according to the Compass from Hudsons River and Twenty Miles in length shall terminate in the aforesaid Line of the Massachusetts Bay, and at that place we shall Erect a Monument which shall be deemed and Esteemed to be Twenty Miles from Hudsons River, Then we shall run a straight Line from the Monument at the end of the East Line from Cortlands Point to the aforesaid Monument on the Line of the Massachusetts Bay which straight Line between the two last mentioned Monuments, shall be deemed and esteemed a Line Parallel to Hudsons River and every where Twenty Miles from it, Then we Covenant and mutually Agree that Sixty one Thousand four Hundred and forty Acres of Land shall be added to the Province of New York out of the Bounds of the Colony of Connecticut, which addition shall be made along the aforesaid Lines parallel to Hudsons River, that is to say along the Line runing from the Monument at the end of the aforesaid East North East Line to the Monument at the End of the East Line from Cortlands Point and along the Line runing from the said last mentioned Monument to the Monument in

the Line of the Massachusetts Bay, and shall be bounded to the Eastward and divided by the Colony of Connecticut by two Lines parallel to the said two Lines, along which the said addition is made and at such Breadth as that sixty One Thousand four Hundred and forty Acres of Land may be contained between the said Parallel Line on the sides of the said addition and between the Line of the Massachusetts Bay, and the aforesaid East North East Line continued so far to the Eastward as the Breadth of the said addition shall extend on the End of the said addition, And Whereas several Poor English Families have laid out their whole substance and spent their youth in Clearing, Tilling and improving with great Hazard and hard Labour, Lands which it is supposed may Lye near the Parrallel Lines at Twenty Miles distant from Hudsons River, and Whereas if the improved Lands of the said Poor People should fall within the equivalent of sixty one Thousand four Hundred and Forty Acres to be added out of the Bounds of Connecticut the said Poor Families may Hope for his Majestys favour in granting to them the said improved Lands in such manner as Lands are usually granted within the Province of New York.

It is further agreed that in measuring the Line runing East North East Thirteen Miles and Sixty four Rods from the End of the North Nor West Line of Six Miles and a half, and in measuring the East Line of Twenty Miles from Cortlands Point, We shall only allow of strict Measure in the best manner the same can be actually performed upon the Surface of the Lands but that in all other Lines to be measured or to be computed we shall allow at the rate of Twelve Rods to be added to every Mile, and that One Mile and twelve Rods of actual measure shall be esteemed and computed in all other places as one Mile of true Measure, and so proportionably for a greater or less length taking the Rough and smooth Land together into the Computation, as we shall meet with them. It is Provided never the less that in measuring the Breadth of the said Additional Land the allowance shall not be made at the Rate of Twelve Rods to a Mile, but that whatever allowance shall be made in measuring the Lines runing from Lyons Point to the Rock at the wading place, and from the said Rock to the three Trees at the End of the North Nor West Line the same Allowance shall be added to the Breadth of the additional Land joined to the Lines parrallel to Hudsons River, that is to say after the Trees or the End of the North Nor West Line shall be Established by the Rules already agreed to, it shall be computed how far the said Trees, or the End of the North Nor West Line shall be distant from Lyons Point on a streight Line without any Allowance in Measure and if the said distance shall be

found greater than Eight Miles whatever Measure shall be found to be over the s[d] Eight Miles the said overpluss measure shall be accounted an Allowance to be added to the Breadth of the additional Lands containing Sixty One Thousand four hundred and forty Acres in such proportion as eight Miles shall be to the Breadth of the said additional Land, and when the Breadth of the said Lands to be added out of Connecticut shall be established as above directed We shall affix and Ascertain the Bounds of the same by continuing on the South end of the said Lands of the East North East Line, and Erect a Monument on the End thereof when continued the full Breadth of the said additional Lands and from the said Monument Run two Lines parallel to the two Lines which are parrallel to Hudsons River, and thereby fix and ascertain the Lines of Partition and Division between the Province of New York and the Colony of Connecticut from the last mentioned Monument to the Line of the Massachusetts Bay, and Erect Monuments in the said Lines, at all Places which may be thought necessary. It is agreed by and between the Commissioners and Surveyors afores[d] that to avoid Confusion and disputes from the using of several differing Instruments We shall agree on one Compass to be used on the work at this Time, which Compass shall appear to have either no Errors or the fewest of any, and that we shall have no regard to the Variation of the said Compass from the true Meridian in runing the Lines above discribed, but that they shall be run by the said Compass without any allowance for the said Variation, And it is further agreed that if at this our Present meeting we shall not be able to go through the whole work according to the above Stipulations that we will at any Time hereafter meet and proceed thereon at such Time as shall be agreed upon By his Excellency the Governor of New York or Commander in chief for the Time being and his Honor the Governor of Connecticut for the Time being. And in Testimony That we whose Names are underwritten Do mutually and interchangably, firmly agree and consent to all the above Articles, and every Clause matter and thing therein contained, We have hereunto set our Hands and Seals at Greenwich in the Colony of Connecticut the Day and Year above written.

JONATHAN LAW [Seal]	FRANCIS HARRISON [Seal]
JOHN COPP [Seal]	SAMUEL EELLS [Seal]
CADWALLADER COLDEN [Seal]	EDWARD LEWIS [Seal]
ROGER WOLCOTT [Seal]	ISAAC HICKS [Seal]

A true Copy of an Original on file in the Secretary's Office of the State of Connecticut.

Examin[d].

By GEORGE WYLLYS, *Secretary.*

Connecticut Confirms the Agreement.

At a General Assembly holden at New Haven in his Majestys English Colony of Connecticut in America on Thursday the 8th day of October in the fourth year of the Reign of our Sovereign Lord George the second of Great Britain &c King Annoq. Domo 1730.

An Act for the Confirmation of the agreement made at Greenwich in the Colony of Connecticut on the 29th of April Anno Dom 1725 by and between the Commissioners of the Province of New York and Colony of Connecticut for the Runing and ascertaining the Partition Line between the said Province and Colony, as also in Confirmation of the surveys in part made pursuant thereto, as appears by their Report under their Hands and Seals dated at Norwalk in the Colony of Connecticut on the 12th Day of May in the Eleventh Year of the Reign of the late King George Annoq. Dom. 1725 as also in approbation of the present meeting of the Commissioners, and for authorizing Commissioners, to proceed and perfect, and fully ascertain the Partition Line aforesaid according to the said Agreement.

Whereas an Agreement was made on the 28th of November Anno Dom. 1683, at Fort James in New York between the Right Honorable Thomas Dungan Governor under his then Royal Highness James Duke of York &c of New York and his Council, and Robert Treat Esqr Governor of Connecticut and others in Commission with him for the Settling and fixing the Boundaries and Partition Lines between the Province of New York and Colony of Connecticut, And Whereas a Survey thereof was begun in 1684 and the Partition Lines in part ascertained, And Whereas the said Agreement and Survey were approved and Confirmed by the late King William in Council, And Whereas an Act of the Governor Council and Assembly of New York was passed in the Month of June in the fifth Year of the Reign of King George the first, Entitled an Act for the runing and ascertainng the Lines of Partition and division betwixt the Colonies of New York and Connecticut, And Whereas King George aforesaid was pleased to give the Royal Assent to the said Act, And Whereas a Commission in pursuance of said Act bearing date the 3d day of April 1725 was given to diverse Gentlemen on the part of New York, And Whereas by an Act of the Governor, Council and Representatives in General Court Assembled at New Haven on the 8th day of October Anno Dom. 1724 diverse Gentlemen on the part of this Colony were fully authorized and impowered to Agree, fix and ascertain the Partition Lines aforesaid, By Virtue of which Commissions and Authorities, an Agreement was entered into, between the said Colonies concerning the said Lines, and part thereof was ac-

tually Run and ascertained by proper monuments as by the said Agreement and Report of the Commissioners and Surveyors appointed by the said Acts, and Commissions may appear, And Whereas the said Agreement and Survey in 1725 hath been approved of by the late Governor of New York William Burnet Esq and Council.

Be it Enacted and Ordained by the Governor Council and Representatives in General Court Assembled and by the Authority of the same, That the said Agreement and Survey aforesaid in 1725 Recorded in the Records of this Colony and filed in the Secretaries Office be approved of, and they are hereby approved of, Ratified, and confirmed in all the parts thereof, and it is hereby declared that so far as the said Commissioners and Surveyors have Run and ascertained the Lines as by their said Report appears shall be, and remain the Partition Lines between this Colony and the Colony of New York forever.

And further Whereas the said Commissioners and Surveyors at their meeting at Greenwich in 1725 did Agree that in Case they could not go through with their Work at that Time, that they would thereafter meet, and proceed thereon at any Time when the Governor of New York and the Governor of Connecticut should agree,

And Whereas the Governor of New York did propose to his Honor the Governor of Connecticut that the Commissioners should meet for that end on the 29th of September last and did accordingly meet at Greenwich, their said meeting is by the Authority aforesaid approved of, And Whereas the runing and ascertaining the remaining part of the Partition Lines aforesaid may not require the Attendance of so many Commissioners as were before appointed, This Assembly do hereby order and appoint, that Samuel Eells, Roger Wolcott and Edmund Lewis Esqrs, or any two of them whereof Edmund Lewis Esqr to be one, shall have full Power and Authority in Conjunction with the Commissioners of New York to proceed in runing the remaining Lines agreed upon as aforesaid, and ascertain the same by proper Meets, Monuments, and Boundaries, the Partition Lines and every of them according to the aforesaid Agreement in 1725 and make Report thereof to this Assembly, which Lines when Run, and the places distinguished through which they shall pass, according to the aforesaid Agreement in 1725 shall be and Remain the Lines of Partition and Division betwixt the Province of New York and this Colony forever.

And it is further provided that in Case Edmund Lewis Esqr should not be able to go through with the Work aforesaid as Surveyor and Commissioner or the other Commissioners should

fail, in that there cannot be one of the Gentlemen in Commission with him to attend the Service Then it shall be in the Power of the Governor for the Time being with the Advise of his Council to appoint and Commissionate other suitable Person, or Persons in thei. or his Room and stead to perform the Service aforesaid.

A true Copy from the public Records of the State of Connecticut.

Examin^{d}.

By GEORGE WYLLYS, *Secretary.*

The Boundary Survey Approved.

This Indenture made the fourteenth day of May in the fourth Year of the Reign of our sovereign Lord George the second by the Grace of God of Great Britain France, and Ireland King Defender of the Faith &c and in the Year of our Lord One Thousand seven hundred and thirty One; Between Cadwallader Colden Esq^{r} Surveyor General of the province of New York, Gilbert Willet Esq^{r} and Vincent Mathews Esq^{r} Commissioners authorized and appointed by his Majestys Commission under his great Seal of the Province of New York or any two or more of them in Conjunction with the said Surveyor General or his Deputy to run out, mark, distinguish and ascertain the Lines of Division and Partition between the Province of New York and Colony of Connecticut, as by the said Commission bearing date at New York the third day of September in the fourth year of his Majestys Reign may more fully and at large appear, and M^{r} Jacobus Bruyn Jun^{r} Deputy Surveyor approved of by the Governor and Council of New York of the one part; And Samuel Eells, Roger Wolcott and Edmund Lewis Esq^{rs} Commissioners or any two of them whereof Edmund Lewis Esq^{r} to be one, appointed and authorized by an Act of the General Assembly of the Colony of Connecticut bearing date at New Haven the eighth day of October in the fourth Year of the reign of our said sovereign Lord George the second; to Run and ascertain the Lines of Division And Partition aforesaid in Conjunction with the Commissioners of New York, as by the said Act may more fully and at large appear of the other part, Witnesseth that the said Commissioners of the Province of New York and Colony of Connecticut in pursuance of the agreement made in the Year of our Lord One thousand seven hundred and Twenty five and approved of by the Governor and Council of New York, and by the General Assembly of Connecticut Have run, marked, distinguished and ascertained

the lines of Division and partition which were not distinguished by the Commissioners in the year one thousand seven hundred and Twenty Five, and remained to be done pursuant the said Agreement in the manner and form hereafter expressed that is to say the said Commissioners of New York and Connecticut went to a certain point of Land on the East side Hudsons River commonly known by the Name of Cortlands Point nearly opposite to Stoney Point, or the beginning of the highlands, and from the most westerly part of the said Point, Run an East Line according to the Compass twenty Miles in length strict measure, and at the end of the said East Line set up a stake and raised a heap of Stones round it as a monument of the place where the said Line ends, Then the Commissioners aforesaid Run a Line from the Monument erected by the Commissioners in the year one thousand seven hundred and twenty five at the end of the East North East Line of thirteen Miles and sixty four Rods to the Monument at the end of the East Line from Cortlands Point aforesaid which Line runs nearly North twenty four degrees and thirty minutes West by the Compass, and marked and distinguished the same by erecting of a stake, and raising a heap of Stones round the Stake at the end of the second fourth and sixth Miles strict Measure from the Monument or heap of Stones at the end of the East North East Line aforesaid, Then the Commissioners aforesaid Run a Random Line from the Monument or heap of stones at the End of the East Line from Cortlands Point pursuant to the said Agreement in the year one thousand seven hundred and twenty five, until it intersected the Line between the Colony of the Massachusetts Bay and the Colony of Connecticut, which last Line the said Commissioners extended so far for that purpose which Random Line was run North twelve degrees East according to the Compass. Then the Commissioners aforesaid continued the said Line of the Massachusetts Bay to Hudsons River, and likewise surveyed the Bank of Hudsons River so far upwards above the Place, where the said Massachusetts Line fell upon Hudsons River as was necessary to Calculate and fix the place where a Line runing East and by South by the Compass, and of twenty Miles in length from Hudsons River, shall terminate in the said Massachusetts Line, and the said Commissioners found that the said Line of Twenty Miles in Length with the allowance of twelve Rods added to every Mile, did terminate at a place which is one hundred and thirty two Rods distant from the place where the said random Line intersected the Massachusetts Line continued as aforesaid (the said one hundred and thirty two Rods being measured Easterly from the said intersection and upon the Massachusetts Line)

at which place a stake was set up and a heap of stones raised round it which heap of Stones or Monument is twenty Miles distant from Hudsons River according to the Agreement aforesaid in the Year one thousand seven hundred and twenty five; Then the Commissioners aforesaid did Run a straight Line from the Monument at the End of the East Line from Cortlands point to the said Monument in the Massachusetts Line continued as aforesaid, which Line runs nearly North twelve degrees and thirty Minutes East by the Compass, and marked and distinguished the same by setting up a stake and erecting a heap of Stones at the second, fourth, sixth, Eighth, Tenth, twelfth, fourteenth, sixteenth, Eighteenth, Twentieth, Twenty second, Twenty fourth, Twenty sixth, Twenty eighth, Thirtieth, thirty third, Thirty fifth, Thirty seventh, Fortieth, forty second, forty fourth, forty-seventh, and Fiftieth Miles strict measure from the said heap of Stones at the End of the East Line from Cortlands Point, And the Commissioners aforesaid of the Province of New York and Colony of Connecticut Do hereby declare that the said Lines runing North Twenty four degrees and thirty minutes West from the Monument at the end of the East north East Line to the Monument at the End of the Twenty Mile Line from Cortlands Point and runing nearly North Twelve degrees and thirty minutes East from the said Line from Cortlands Point to the stake and heap of Stones in the Massachusetts Line fixed, marked, and distinguished as aforesaid, are parrallel to Hudsons River, and at Twenty Miles distance from the same, as the Lines of Partition between the said Province and said Colony, according to the agreements made in the Year One thousand six hundred and eighty three, and one thousand seven Hundred and twenty five ought to be, The Commissioners aforesaid further declare that the length of the Line runing parralell to Hudsons River from the end of the East North East Line to the end of the East Line from Cortlands Point is seven Miles and one quarter of a Mile strict measure but with the allowance of Twelve Rods to every Mile the length is six Miles three quarters of a Mile and seventy six Rods, and that the length of the Parrallel Line runing from the end of the Twenty Miles from Cortlands Point to the Massachusetts Line is Fifty two Miles one half Mile and Sixty Rod strict measure, but with the allowance of Twelve Rod to every Mile it is only Fifty Miles three quarters of a Mile ten Rod and fifteen Links in length and that the Breadth of the additional Lands of sixty one thousand four hundred and forty Acres, to be added out of the Colony of Connecticut to the Province of New York with the allowance of Twenty-five Rods to a Mile according to the agreement in the Year one thousand seven Hundred and twenty five is

one Mile three quarters of Mile and twenty Rod strict measure. Then the Commissioners afores[1] proceeded to set off the said additional Land, for which purpose they set off East nine degrees Southerly along the Massachusetts Line One Mile three quarters of a Mile Twenty one Rod, and five Links, and there erected a stake with a heap of Stones round it as a monument of the North East Corner of the said additional Lands, and set off from the Monument at the end of the Twenty Miles from Cortlands Point North Eighty four degrees East, One Mile three quarters of a Mile and fifty two Rods, and there set up a stake and raised a heap of Stones round it as a Monument of the Place where the Lines which are parrallel to the Lines at Twenty Miles distance from Hudsons River, and five hundred and eighty Rods Distant from them, do intersect and terminate in each other and then continued the East North East Line of thirteen Miles and sixty four Rod from the monument Erected in the Year one thousand seven hundred and twenty five One Mile three quarters of a Mile and Twenty one Rod further, and there set up a stake and raised a heap of Stones round it as a monument of the Southeast Corner of the said additional Lands, And the Commissioners aforesaid further declare that the Line runing nearly North Twenty four degrees and thirty minutes West from the last mentioned Monument to the Monument at the end of the Line runing North Eighty four degrees East from the monument at the End of the Twenty Miles from Cortlands Point, is marked and distinguished and set off in the following manner, that is to say by runing perpendicular Lines from the Monument at the second, fourth and sixth Miles in the Line at Twenty Miles distance from Hudsons River each of the said perpendiculars being five Hundred and eignty Rods long and raising a heap of Stones round a Stake at the End of Each of the said Perpendiculars as a Monument of the East Bounds of said additional Lands, In like manner the Line runing nearly North Twelve degrees, and thirty Minutes East from the Monument at the End of the Line runing North Eighty four degrees East as aforesaid to the monument at the North East Corner of the additional Lands of sixty one Thousand four hundred and forty Acres aforesaid was marked and distinguished by runing perpendicular Lines to the Line parrallel to Hudsons River from the monument at the end of Twenty Miles from Cortlands point to the Massachusetts Line, which perpendiculars were run off from the Monuments aforesaid, at the second, fourth, sixth, Eighth, Tenth, Twelfth, fourteenth, sixteenth, Eighteenth, Twentyeth, Twenty second, Twenty fourth, Twenty sixth Twenty eighth, Thirtyeth, Thirty third, Thirty fifth, Thirty

seventh, Fortyeth, Forty second, Forty fourth, and Forty seventh Miles and set up a stake and Erected a heap of Stones about it at the East end of each of the said perpendiculars as monuments of the East Bounds of said additional Lands, The said Commissioners having omitted to run off the Perpendicular at the fiftieth Mile because it would have run into Tahkanock Mountains. The Commissioners aforesaid declare that the monuments at the End of the East Line from Cortlands point stands upon a Ridge of Land and is one hundred and seventy seven Rods from the long Pond measured upon a Line runing from the said Monument North Twelve degrees East, and is likewise one hundred and seventy six Rods from the Brook that Issues from the said Pond, being measured upon a Line runing East from the said Monument That the Monument in the Massachusetts Line continued at Twenty Miles with the allowance of Twelve Rods to every Mile from Hudsons River, stands on the West side of the Ridge of Land and is Forty Rods from a Branch of Roeloffe Jansens Kill, called the Nortse Kill measured on a Line runing Easterly from the said Monument along the Massachusetts Line, that the Monument at the North East Corner of the additional Lands in the Massachusetts Line aforesaid stands in a Valley in the Tahkanock Mountains being One hundred and Twenty one Rods Eastward from the Top or Ridge of the most westerly of the said Mountains there being a great Stone with some others set up on it on the Top of said westermost Mountain, where the Massachusetts Line crosses it, That the Monument where the two Eastermost parrallel Lines intersects and terminates in each other stands on the North side of a Hill, and is Southeasterly from the Eastermost End of the long Pond; and that the Monument at the South East Corner of the additional Lands being East North East from the Monument Erected in the Year one thousand seven hundred and Twenty five at five hundred and Eighty one Rods distance, stands on the west side of a stoney Ridge about six Rods East from the South End of a Swamp and is two Hundred and Sixty three Rods distant on an East North East course from the West Branch of Norwalk River; and the aforesaid Commisioners of the Colony of Connecticut on behalf of the Colony and Corporation of Connecticut Have yielded, surrendered, and delivered up, and by these Presents do yield surrender, and deliver up to the Commissioners of the Province of New York aforesaid, on behalf of the Province of New York all the said additional Lands (the same in the actual possession of the said Corporation now being) Bounding Westerly by the aforesaid Lines runing North Twenty four Degrees and thirty minutes Westerly from the monument at the End of the East

North East Line of thirteen Miles and sixty four Rod to the monument at the end of the Line Runing Twenty Miles from Cortlands Point and runing from the said Monument at the End of the said Line from Cortlands Point North Twelve Degrees and thirty minutes East to the Monument in the Massachusetts Line, at the distance of Twenty Miles with the allowance in measure from Hudsons River Bounded Northerly by the said Line of the Massachusetts Bay extended from the last mentioned monuments Five hundred and eighty one Rod and five Links to the Monument on Takhanock Mountain aforesaid Bounded Easterly by the Lines which runs from the last mentioned monument to the Monument which is six hundred and twelve Rods distant from the Monument at the end of the Twenty Miles from Cortlands Point on a line runing North Eighty four degrees East, and from the s^d^ Monument at the end of the six hundred and twelve Rods aforesaid to the monument on the Stoney Ridge at the End of the extended East North East Line as the said Lines run through the several Monuments erected as before mentioned and bounded Southerly by the aforesaid East North East Line of Five hundred and eighty one Rods in length between the monuments at the End of the East North East Line of thirteen Miles and sixty four Rods, and the Monument on the west side of the Stoney Ridge aforesaid containing sixty one Thousand four hundred and forty Acres of Land with the allowance of measure as aforesaid, For the use of our Sovereign Lord the King his heirs and successors in as full and ample manner as the same ought to be done by the agreements and Covenants entered into between the Commissioners of the said Province and Colony in the years One thousand six hundred and Eighty three, and One thousand seven Hundred and twenty five, And the Commissioners aforesaid of the Province of New York and Colony of Connecticut, Have Established and affixed and by these Presents Do establish and Fix the said Lines from the Monument Erected in the Year One thousand seven hundred and twenty five at the end of the East North East Line parrallel to the Sound of thirteen Miles and sixty four Rods in length runing East North East five hundred and eighty one Rods to the monument on the Stoney Ridge aforesaid and from the last mentioned monument runing nearly North twenty four degrees and thirty minutes West to the monument aforesaid at six hundred and twelve Rods distant from the Monument at the End of the twenty Mile Line from Cortlands Point and from the said Monument at six hundred and twelve Rods distance runing North twelve degrees and thirty minutes East to the Monument in the Massachusetts Line in Tahkanock Mountains as the said

Lines Run through the several Monuments above mentioned to have been erected by the said Commissioners on the East side the said additional Lands, to be and Remain from henceforth the Lines of Partition and division between the Province of New York, and Colony of Connecticut forever, which Lines together with those that were fixed and established in the Year One Thousand seven hundred and Twenty five, Do every where compleatly and entirely separate and divide the said Province from the said Colony from the Sound so far as the Line of the Massachusetts Bay aforesaid and that the Monuments Erected and established by the Commissioners aforesaid may be better perpetuated and had in Remembrance they have made a description in writing of the several places where they have erected the Monuments aforesaid bearing the same Date with these Presents and signed with the Hands of the said Commissioners.

In Witness whereof the Parties to these presents have hereunto put their Hands and Seals at Dover in the Province of New York the Day and Year first above written.

SAMUEL EELLS [Seal]	VINCENT MATHEWS [Seal]
CADWALLADER COLDEN [Seal]	EDMUND LEWIS [Seal]
ROGER WOLCOTT [Seal]	J BRUYN Jun [Seal]

In the upper House Read approved and ordered to be recorded

Test HEZ^{h} WYLLYS *Secretary.*

In the Lower House. Read approved and ordered to be recorded

Test JOHN RUSSELL, *Clerk.*

A true Copy from an Original on file in the Secretary's Office of the State of Connecticut.

Examin^{d}.

By GEORGE WYLLYS *Secretary.*

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Places where the Monuments were fixed.

A Description of the Places in which the Monuments were fixed or set up by the subscribing Commissioners of the Province of New York and Colony of Connecticut, as referred to in certain indentures made between both parties bearing even Date with these Presents Viz, In the line runing North 24°, 30′ west from the Monument Erected in the Year 1725 at the end of the Line runing East North East of thirteen Miles and sixty four Rods in length to the Monument Erected at the End of Twenty Miles from Cortlands Point at the distance of two Miles from the said first mentioned Monument Raised a heap of Stones for a Monument at the Root of a Maple Tree marked

with three notches on the South East and North west sides standing on the South west sides of a Run of Water in a Gulley called Bever Pond Brook, and marked some Trees on each side of the said Monument in a North 24°, 30′ west Course, Then at the Distance of four Miles from the said first mentioned Monument in the aforesaid Line we put up a stake on the East side of a Hill and heaped some stones round it for a Monument, which we esteemed to be about sixty Rods distance northerly from the Cross Pond, and marked some Trees on each side of the said Monument in a North 24°, 30′ west Course, at the distance of six Miles from the said first mentioned Monument in the aforesaid Line they put up a stake and heaped some Stones round it for a Monument on the East side of a large white Oak Tree standing in a Valley and marked some Trees on each side of said Monuments in a North 24°, 30′ west Course, and the Monuments that were fixed or set up in the Eastern Line of the additional Lands added out of the Colony of Connecticut to the Province of New York runing Parrallel to the aforesaid North 24°, 30′ west Line and unto which refference is made as aforesaid We did fix up corresponding to each of the aforesaid Monuments fixed upon the western Line as aforesaid distant from the same in a North 65°, 30′ East Course, or at right Angles to the aforesaid North 24°, 30′ West Line one Mile 3 quarters and Twenty Rods, and we affixed or set up in the places following (viz.) corresponding to the Monument fixed up at two Miles distance We heaped up some Stones for a Monument on the West Brow of a Stoney Ridge of Land on the Top of a Rock sticking out of the Ground, and marked some Trees on each side of said Monument in a North 24° : 30′ West Course, corresponding to the Monument fixed up at the Distance of four Miles as aforesaid We set up a Stake heaped some Stones round it for a Monument being in a Swamp and on the North west side of a Brook which runs into the Pond of a Saw Mill, and marked some Trees on each side of said Monument in a North 24° : 30′ west Course, Corresponding to the 6th Mile in the western Line as aforesaid, We set up a Stake in the middle of a Boggy Meadow in the Line runing nearly North 12° : 30′ East from the aforesaid Monuments erected at the end of Twenty Miles from Cortlands point to the Monument Erected at the End of Twenty Miles from Hudsons River in the Massachusetts Line at the distance of two Miles from the Monument at the end of 20 Miles from Cortlands point aforesaid We set up a stake and heaped some stones round it on the west side of a Hill for a Monument bearing from a large pointed Rock South 27° East one chain and eight Links, and marked some Trees on each side of the said Monument nearly in a North

12°, 30′ East Course, At the distance of four Miles in the said Line as aforesaid we set up a stake on the South west side of a Boggy Meadow near the Edge of the said Boggy meadow and heaped some Stones round it for a Monument, At the distance of six Miles as aforesaid we set up a Stake and heaped some stones round it on the Top of a Ridge for a Monument which we esteemed to be about thirty Rods East of a Cedar Swamp and marked some Trees on each side of said Monument in a Nearly North 12°, 30′ East Course, At the distance of Eight Miles as aforesaid we set up a stake and heaped up some stones round it for a Monument being between two Rocky Hills about four Rods from the Eastermost of them and marked some Trees on Each side of said monument in a nearly North 12° : 30′ East Course; At the distance of Ten Miles we set up a Stake and heaped up some Stones round it for a Monument being on the west side a Ridge of Land and 66 Chains on the perpendicular West from Croton River and marked some Trees on Each side of said Monument in a nearly North 12° : 30′ East Course; At the distance of Twelve Miles as aforesaid we set up a Stake and heaped up some Stones round it for a Monument being on the East side of a Hill near to a point of Rocks, and to the west side of a great Swamp and a Boggy Meadow in said Swamp on Croton River: At the Distance of fourteen Miles as aforesaid we set up a stake and heaped up some Stones round it for a Monument near on the Top of a Mountain being on the East side of the aforesaid great Swamp and near the South west End of the said Mountain; At the distance of sixteen Miles as aforesaid we set up a Stake and heaped up some Stones round it for a Monument being on the North West side of a Bushey Hill and marked Some Trees on each side of said Monument on a nearly North 12° : 30′ East Course; At the distance of Eighteen Miles in the said Line as aforesaid We sett up a Stake and heaped up some Stones round it for a Monument being on the North side of a Small Run of Water and in a low piece of Land and marked some Trees on each side of said Monument in a nearly North 12° : 30′ East Course; At the distance of Twenty Miles as aforesaid in said Line we heaped up some Stones for a Monument on the East side of a Hill at the Bottom of a large Rock; At the distance of 22 Miles as aforesaid in said Line we set up a Stake and heaped up some stones round it for a Monument on the west side of a hill near to a Run of Water on the west side of said Hill and about 56 Rods E 12° : ½′ South from the East side of a large Pond, and marked some Trees on each side the said Monument on a nearly North 12° : 30′ East Course; At the distance of 24 Miles as aforesaid in the s^{d} Line we set up a Stake and heaped up some Stones round it for a Monument

being on a Rock on the West side of a Hill, and on the East side of a Gully & a Run of Water Runing Westerly into the great Swamp about 5 Rods from the said Run on which Run are some Spruce Trees standing and we marked some Trees on each side of the said Monument in nearly a North 12° 30′ East Course; At the distance of 26 Miles as aforesaid in the said Line we set up a stake and heaped up some stones round it for a Monument being in a swampy piece of Ground on the North side a small Run of Water near to a Clift of Rocks being to the East of the said Monument and is on the East side the Ten Mile River about half a mile Northerly from the Turn of the said River: At the distance of 28 Miles as aforesaid in the said Line we sett up a Stake and heaped up some Stones round it for a Monument being on the East side a Rocky Hill in a Valley between the Mountains and marked some Trees on each side of the said Monument in a nearly North 12°: 30′ East Course; At the distance of 30 Miles as aforesaid in the said Line we set up a stake and heaped up stones round it for a Monument on the west side of a Mountain near the Top of the said Mountain being about South East from the House of Jacob Vankampens and Derrick Deduytsers, and marked some small saplings on each side the said Monument in a nearly North 12°: 30′ East Course, At the distance of 33 Miles as aforesaid in the said Line we set up a Stake and heaped up some stones round it for a Monument on a plain piece of Land being distant on a South 77°: 30′ East Course from a Pond of Water in the said Plain about sixty six Rods, and about the same distance from the foot of the Mountain which is to the Eastward of it; At the distance of 35 Miles we set up a Stake and heaped up some Stones round it for a Monument in the s[d] Line being on the North end of a Ridge of Land near to a Gully or a small piece of Boggy Meadow being Easterly from Sackets House and marked two white Oak Trees the one on an East Eight degrees South Course distant three Rods and the other on a South Course distant five Rods from the said Monuments; At the distance of 37 Miles we set up a Stake and heaped up some Stones round it for a Monument in the said Line being on the west side of a Gully in the Hills and marked some Trees on each side of the said Monument in a nearly North 12°: 30′ East Course; At the Distance of Forty Miles we mark[d] a white Oak sapling and heaped up some stones round it for a Monument standing on a high Ridge of Land being forty eight Rods easterly from a small Boggy Meadow: At the Distance of 42 Miles we set up a stake and heaped up some stones round it for a Monument in the said Line being on the west side of a dry Swamp and marked some Trees on each side of the said Monu-

ment in a nearly North 12° : 30′ East Course ; At the Distance of 4 Miles we put up a stake and heaped up some stones round it for a Monument in the said Line being on the East side of a Swamp and on the West side of a Rocky Hill being about 20 Rods from the foot of said Hill and marked some Trees on each side of the said Monument on a nearly North 12° : 30′ East Course ; At the distance of 47 Miles we set up a Stake and heaped up some Stones round it for a Monument in the said Line being on the East side of a Hill Westerly from the South End of Tacanock Mountain, and are distant on a West 12° : 30′ North Course sixty Rods from the North branch of Ten Mile River ; At the distance 50 Miles we marked an Iron Wood Tree with three Notches on the North and South side and a Chip off above and the figures (XXXXX) on the west side thereof and put some Stones to the Root of the said Tree standing in the west side of a spruce Swamp being about 18 Rods East from Tahconnock Road ; And the Monuments that were fixed or set up in the Eastern Line of the additional Lands added out of the Colony of Connecticut to the province of New York runing parrallel to the aforesaid nearly North 12° : 30 East Line, and unto which Refference is made as above mentioned were fixed or set up corresponding to each of the aforesaid Monuments fixed up in the western Line as aforesaid distant from the same on a South 77° : 30′ East Course or at right Angles to the aforesaid nearly North 12° : 30′ East line one mile three quarters and twenty Rods and were fixed or set up in the places following viz. corresponding to the Monument fixed or set up at the two Miles distance we heaped up some Stones for a Monument on the West side of a Rocky Hill near to a Chestnut Oak Tree marked with three Notches on the North and South Sides, The Monument Corresponding to the Monument at 4 miles distance as aforesaid is a Stake with a heap of Stones round it about 26 Rods and a ½ to the Eastward of Mopo Brook ; The Monument corresponding to the Monument at 6 Miles distance as aforesaid is a Stake with a heap of Stones round it near the north end of a swamp and by a foot Path leading to Danbury : The Monument corresponding to the Monument at 8 miles distance as aforesaid is a Stake and heap of Stones round it in a hollow upon a high Rocky Hill ; The Monument corresponding to the Monument at 10 Miles distance as aforesaid is a Stake with a heap of Stones round it in springy Ground on the West side a high Hill ; The Monument corresponding to the Monument at 12 Miles distance as aforesaid was set at the End of two Miles on a line runing nearly North 12° 30′ East from the monument corresponding to the Monument at 10 Miles distance because we could not carry the perpendicular across the great Swamp that

was overflowed by Croton River and we marked the Trees in the said two Miles with three Notches on their North and South Side; This monument is a heap of Stones round a small white Oak Tree; The Monument corresponding to the Monument at 14 Miles distant is a stake and heap of Stones standing on the North west side of a Hill; The Monument corresponding to the Monument at 16 Miles distance is a Stake and heap of Stones on a high Hill there being two small ponds to the South Eastward of the Monument the nearest of which is about five Rods from the Monument; The Monument corresponding to the Monument at 18 Miles distance as aforesaid is a Stake and a heap of Stones upon a ledge of Rocks on the West side of a Hill; The monument coresponding to the monument at Twenty Miles distance as aforesaid is a stake and heap of Stones in a wet piece of Ground on the west side of a Steep Rocky Hill; The Monument Corresponding to the Monument at 22 Miles distance is a Stake and heap of Stones on the East side of New Fairfield Hills; The Monument corresponding to the Monument at 24 Miles distance is a stake and heap of Stones on the North west descent of a Hill that is on the East side of the Brook that Issues from the Pond before mentioned; The Monument corresponding to the Monument at 26 Miles distance is a stake and heap of Stones on the West side of a high Hill and is 35 Chains and 45 Links on the perpendicular Line from the East side of the Ten Mile River; The Monument corresponding to the Monument at 28 Miles distance as aforesaid is a heap of Stones on the East Brow of a high Hill at which place we saw New Milford Town Ousatonack River runing at the foot of said Hill; The Monument corresponding to the Monument at 30 Miles distance as aforesaid is a stake and heap of stones at the South end of a high Hill; The Monument corresponding to the Monument at 33 Miles distance is a heap of Stones on the Top of a hollow Rock on the west side of a Hill; The Monument corresponding to the Monument at 35 Miles distance as aforesaid is a heap of Stones on the Top of a Rock on the west side of a Hill; The Monument corresponding to the Monument at 37 Miles distance as aforesaid is a stake and heap of stones on the North side of a Ridge and is 60 Links North 31° west from a Rock lying there in the Ground; The Monument corresponding to the Monument at 40 Miles distance is a stake and heap of Stone at the West side of a swamp and 40 Rods on the perpendicular Line Easterly from the Ten Mile River; The Monument corresponding to the Monument at 42 Miles distance is a stake and heap of Stones on the Brow of a steep Bank on the North side of the Ten Mile River where it runs Easterly and is likewise 21 Rods on the perpendicular Line East from the East side of the

said River; The Monument Corresponding to the Monument at 44 Miles distance is a Stake and heap of Stones standing at the foot of a Hill and Twelve Rods from the East side of a large long Pond; The Monument corresponding to the Monument at the 47 Miles distance is a Stake and heap of Stones in a low piece of Ground lying Southwesterly from Tahkanock Mountain and North westerly from a Meadow and is near the Waggon Path from Wheatauke to Tahkanock. We likewise marked some Trees on each side of the before mentioned Monuments in a Line runing nearly North 12°: 30′ East where any trees stood on the said Line near the said Monuments.

In Witness whereof we have hereunto set our Hands at Dover in Dutchess County in the Province of New York this fourteenth Day of May in the fourth Year of the Reign of our Sovereign Lord George the second by the Grace of God of great Britain, France, and Ireland King Defender of the Faith, &c Annoq. Dom. 1731.

SAMUEL EELLS, CADWALLADER COLDEN
ROGER WOLCOTT VINCENT MATHEWS
EDMUND LEWIS J BRUYN Jun^{r}
Dep^{t} Surveyor

In the upper House
Read, approved and ordered to be Recorded.
Test HEZ^{k} WYLLYS, *Secretary*

In the lower House
Read, approved and ordered to be Recorded
Test JOHN RUSSELL, *Clerk*

A true Copy from an Original in the Secretary's Office of the State of Connecticut
Examin^{d}
By GEORGE WYLLYS *Secretary.*

MINUTES OF THE GENERAL COURT.

At a General Court held November 11th 1644

Whereas, the General Court for this Jurisdiction did see Cause to put forth their best endeavours to procure a patent from the Parliament, as judging it a fit Season now for that end; and therefore desired Mr. Gregson to undertake the Voyage and business, and agreed to furnish him with two hundred Pounds in this jurisdiction, of which in proportion to the other plantations, New Haven is to pay one hundred and ten Pounds, in merchantable Beaver. It was therefore ordered, that the said One hundred and ten Pounds, shall be procured at the Charge of the town Treasury upon such terms as it may to the Town to stand the terms, and bear the damage that may come thereby.

It is ordered that upon the admittance of any Man as a planter to any plantation in the Jurisdiction the fundamental Laws and Orders concerning notes &c. Shall be read to them and approved; the oath of Fidelity shall be administered to them, the plantation which is to receive them being Satisfied in other particulars, by a satisfying Certificate from Sufficient Creditable persons, of their good behavior and Conversation. The Governor informed the Court that Mr. Leveridge had been with him, and propounded to know, whether their plantation at Oyster Bay might not Join, and be admitted a member of the Colony; He also propounded some objections about a Patent; about public Charges in this jurisdiction above others, with something about keeping Courts at their own Plantations, all which was answered, So as he objected no farther but desired to know, if upon further Speech with their town, they desired to be received, whether it might be done without the General Courts meeting again. The Court Considered of what was propounded, and declared, that if upon full understanding the fundamental Laws and Orders for Government here established, they shall desire to join, and that they do upon their admittance take the oath of Fidelity as before ordered, and in a writing subscribed by them, Solemnly engage themselves to a full observance thereof, they may be received as a member of this Jurisdiction.

At a General Court for New Haven, March 16, 1654-5.

The town was informed that the occasion of its meeting, is to let them understand how things are at present Concerning Delaware; Now John Cooper is returned, he finds little encouragement in the Bay, few being willing to engage in it at present, and therefore they may Consider whether to Carry it on themselves, or to let it fall. Mr. Goodyear said, notwithstanding the discouragements from the Bay, if a considerable Company appear that will go, he will adventure his Person and Estate, and go with them in that design; but a Report of other Ships being Come to the Swedes, seems to make the business more difficult; after much debate about it, it was voted by the Town in this Case, that they will be at Twenty or Thirty pound charge—that Mr. Goodyear, Sergeant Jeffery and such other as they think fit to take with them, may go to Delaware, and carry the Commissioners' letters, and treat with the Swedes about a probable settlement of the English upon their own right, and then after harvest, if things were clear'd, Company may resort thither for the planting of it.

At a General Court held at New-Haven for the jurisdiction, January 30th 1654.

A petition was presented by Thomas Munson, and [John] Cooper of New Haven, on behalf of a Company of Persons intending a remove to Delaware Bay, wherein they proposed, that for the enlargement of the Kingdom of Christ, the Spreading of the Gospel, and the good of prosperity therein, that they live under the wings of Christ, they would afford Some encouragement to help forward so Public a Work.

1st. That two Magistrates, Mr. Sam[l] Eaton and Mr. Francis Newman, may have liberty from this Court to go in person at first, and in case they see not themselves called to lay out so much of their Estate as is like to be disbursed in such an undertaking, that then it would please the Court, that out of the Jurisdiction they may be honorably provided for, as Men that are wiling to lay out themselves for the Public good.

2d. In case there be an undertaking, they that go, may at first go under the protection of this Jurisdiction, and that in case of any Affront, the jurisdiction will engage to assist, till by the blessing of God they may be able by themselves to set up a Commonwealth, according to the fundamentals for Government laid at New Haven.

3d. That seeing our numbers are yet Small, about or betwixt, 50 and 60, we desire the Court to consider what number may

be a competent number, that we may serve God's providence, and yet not let the Work fall for want of too great a number.

4th. That two great guns, and powder, and what belongs to them, might be granted.

5th. Seeing that most that have purposed to go, do only for Public respects undertake, and not for any need at present, and thereupon do leave their houses and lands without that improvement they themselves did make, they desire that for some time as the Court shall think meet, they may be freed from Rates and Public Charges.

6th. Seeing that they whose hearts God stirs up to undertake at first, are men for the general of no great Estates, and some cannot go without help, we desire that a sum of money may be raised in this Jurisdiction, which may be employed either to buy a small Vessel that may attend the Service, or otherwise, as shall be thought meet. Now that which occasions this last, is not only the sense of the great Expense and Charges at first, and the present need that some have now, but also we have heard from Sundry, that generally men are willing to help on the Work, either by Persons or Estates. Thus begging pardon for our boldness, and humbly desire to Commit all our Consultations unto the direction of the God of Wisdom, and so remain,

Yours to Command

JOHN COOPER
THOMAS MUNSON
in the behalf of the rest.

New-Haven 30th of the 11th month 1654.

To which the Court returned—

That having read and considered a paper of Some propositions, presented by Thomas Munson and John Cooper of New Haven, in the name and behalf of sundry Persons of this Jurisdiction, and Elsewhere, appearing as undertakers for the first planting of Delaware; in order to the Public good of this jurisdiction, and the enlargement and further advancement of the Kingdom of Christ in those parts, do return in answer as follows:

1st. That they are willing so far to deny themselves for the furtherance of that Work, in order to the ends propounded, as to grant Liberty to one or both of those Magistrates mentioned, to go along with them, who with such other fit Persons as this Court shall so meet to join with them, may be empowered for managing all matters of Civil government there, according to such Commission as shall be given them by this Court.

2d. That they will either take the Propriety of all the pur-

chased Lands into their own hands, or leave it to such as shall undertake the planting of it—provided that it be and remain a part of this Jurisdiction. And for their encouragement, they purpose, when God shall so enlarge the English Plantations, in Delaware, as that they shall grow the greater part of the jurisdiction, that then due Consideration shall be taken for the care and Conveniency of both parts, as that the Governor may be one year in one part, and the next year in another, and the Deputy Governor to be in that part where the Governor is not; and that general Courts for making Laws may be ordinarily but once a year, and where the Governor resides; and if God much increase Plantations in Delaware, and diminish them in these parts, then possibly they may see cause that the Governor may be constantly there, and the Deputy Governor here; but that the lesser part of the Jurisdiction be protected and eased by the greater part, both in Rates & other wise; which they conceive will be both acceptable to God, and (as appears by the conclusions of the Commissioners Anno 1651) most satisfying to the rest of the United Colonies.

3ly. That for the matters of charge propounded for encouragement to be given or lent to help on their first beginnings, they will propound the thing to the several particular Plantations, and promote the business for procuring something that way, and Shall return their answer with all convenient speed.

At a general Court held at New Haven for the Jurisdiction &c, July 5th, 1654.

A letter was now by order of this Court sent to the Swedes at Delaware Bay, informing them of the Propriety which some in this Colony have, to large tracts of Land on both sides of Delaware Bay and River, and desiring a neighborly Corresponding with them, both in Trading and Planting there. And our answer hereof.

Honored and beloved in the Lord—

We the general Court of New Haven Colony, being Sensible of the wrongs which this Colony hath suffered lately, by your unjust pretences and encroachments upon our just rights, have unanimously Consented, though with grief of heart, being compelled thereunto, to declare unto you and unto all whom the knowledge thereof may Concern, what yourselves do or may know to be true as followeth.

1st. That the first beginning of these Plantations by the Sea side in these western parts of New England, being engaged to

Sundry Friends in London, and in other places about London (who purposed to plant some with them in the same Town and others as near to them as they might), to provide for themselves some convenient places by the Sea-Side arrived at Boston in the Massachusetts, having a special right in their Patent, two of them being joint purchasers of it with others, and one of them a patentee, and one of the assistants chosen for the New England Company in London, where they abode all the winter following; but not finding there a place suitable to their purpose, were persuaded to view these parts, which those that view'd approved; and before their removal, find that no English were planted in any place from the Fort called Saybrook, to the Dutch purposed purchase of the Indians, the natural proprietors of those Lands, that whole tract of Land by the Sea Coast for themselves, and those that Should Come to them; which they also signified to their friends at Hartford in Connecticut Colony, and desired that some fit men from thence might be employed in that business, at their proper Cost & Charges; wrote to them, unto which letters having receiv'd a satisfactory answer, they acquainted the Court of Magistrates of Masachusetts Colony, with their purpose to remove, and the grounds of it; and with their consent began a Plantation in a place situated by the Sea, called by the Indians Quinnepiaug, which they did purchase of the Indians, the true Proprietors thereof, for themselves, and Posterity; and have quietly possessed the same about six and twenty years, and have buried great Estates in Buildings, Fencing, and clearing the ground, and in all sorts of husbandry, without any help from Connecticut or dependence upon them, and by voluntary Consent among themselves, they settled a Civil Court & Government among themselves, upon such fundamentals as were established in Massachusetts, by allowance of their Patent, whereof the then Governor of the Bay the right Worshipful Mr Winthrop, sent us a copy, to improve for our best advantage. These fundamentals all the inhabitants of the said Quinnepiaug approved, and bound themselves to submit unto and maintain, and chose Theophilus Eaton Esq^r^ to be their Governor, with as good right as Connecticut Settled their Govern^t^ among themselves, and continued it above twenty years without any Patent.

2^d^. That when the help of Mr. Eaton, our Governor, and some others from Quinnepiaug was desired for ending of a controversy at Weathersfield, a Town in Connecticut Colony, it being judged necessary for peace that one party should remove their dwellings, upon equal Satisfactory terms proposed, the Governor Magistrates &c of Connecticut offered for their part,

that if the parties that would remove, should find a fit place to plant in, upon the River Connecticut; would grant it to them; and the Governor of Quinnepiaug (now called New Haven,) and the rest then present joined with him, and promised that if they should find a fit place for themselves by the Sea Side, New Haven would grant it unto them; which accordingly New Haven performed, and so the Town of Stamford begun, and became a member of New Haven Colony, and so continueth unto this day.

Thus in a public Assembly of Connecticut was the distinct right of Connecticut upon the River, and of New-Haven by the Sea-Side, declared, with consent of the Governor, Magistrates, Ministers, and better sorts of the people of Connecticut at that time.

3d. Sundry other Townships by the Sea Side, and Southold on Long Island being settled in their inheritances by right of purchase of their Indian Proprietors, did voluntarily join themselves to New Haven, to be all under one Jurisdiction, by a firm engagement to the fundamentals formerly settled in New Haven; whereupon it was called New Haven Colony. The general Court being thus constituted, Chose the said Theophilus Eaton Esqr, a man of singular wisdom, godliness and experience, to be the Governor of New Haven Colony, and they chose a competent number of Magistrates, and other Officers for the several Towns. Mr. Eaton so well managed that great trust, that he was chosen Governor every year while he lived.

All this time Connecticut never questioned what was done at New Haven, nor pretended any right to it, or any of the Towns belonging to this Colony, nor objected against our being a distinct Colony.

4th. When the Dutch claimed a right to New-Haven, and all along the Coast by the Sea Side, it being reported they would set up the Prince of Orange's Arms, the Governor of New Haven to prevent that, caused the King of Englands Arms to be fairly cut on wood, and Set up on a post on the Highway by the Sea-Side, to vindicate the right of the English, without consulting Connecticut, or seeking their concurrence therein.

5th. In the year 1643, upon weighty Considerations, an union of four distinct Colonies was agreed upon by all New England. (Except Rhode Island,) in their Several general Courts, and was established by a most solemn Confederation, whereby they bound themselves mutually to preserve unto each Colony its entire jurisdiction within itself respectively, and to avoid the putting of two into one, by any Act of their own, without the consent of Commissioners from the four united Colonies; which were from that time, and still are, called and known by the

title of the four united Colonies of New England. Of these Colonies New Haven was, and is one, and in this Solemn Confederation Connecticut joined with the rest, and with us.

6th. In the year 1644, the general Court of New Haven Colony, then sitting in the Town of New Haven, agreed unanimously, to send to England for a Patent; and in the year 1645 Committed the procuring of it to Mr. Grigson one of our Magistrates, who entered upon his voyage in January of that year from New Haven, furnished with some Beaver, in order thereunto as we suppose, but by the providence of God, the ship and all the passengers and goods were lost at Sea in their passage towards England, to our grief and the prostration of that design for that time: After which the troubles in England put a stop to our proceeding therein. This was done with the Consent and desire of Connecticut to confer with New Haven therein, whereby the difference of times and mens spirits in them, may be discovered; for then the Magistrates of Connecticut with consent of their general Court, knowing our purpose, desired to join with New Haven in procuring that Patent for common privileges to both, in their distinct jurisdictions, and left it to Mr. Eaton's wisdom to have the Patent framed accordingly. But now they seek to procure a Patent without the Concurrence of New Haven, and contrary to our minds Expressed before this Patent was sent for, and to their own promise, and to the terms of the confederation, and without sufficient Warrant from their Patent, they have invaded our rights, and seek to involve New Haven under Connecticut Jurisdiction.

7th. That in the year 1646, when the Commissioners first met at New Haven, Kieft the then Dutch Governor, by letter Expostulated with the Commissioners, by what warrant they met at New Haven without his Consent, seeing it, and all by the Sea Coast, belonged to his principals in Holland, and to the Lords the States General.

The answer to that letter was framed by Mr. Eaton, Governor of New Haven, and then President of the Commission, approved by all the Commissioners and sent in their names, with their Consent, to the then Dutch Governor, who never replied thereunto.

8th. That this Colony in the reign of the late King Charles the first, received a letter from the Committee of Lords and Commons for Foreign Plantations, then sitting at Westminster, which letter was delivered to our Governor, Mr. Eaton, for freeing the several distinct Colonies of New England from Molestation, by the appealing of troublesome Spirits unto England, whereby they declared that they had dismissed all causes

depending before them from New England, and that they advised all inhabitants to submit to their respective governments there established, and to acquiesce, when their Causes shall be there heard and determined, as it is to be seen more largely Expressed in the original which we have subscribed (thus) Your assured friends

Pembroke	Manchester	Warwick
W. Say & Seal	Fr. Daire	Denbigh

In this order they subscribed their names with their own hands, which we have to shew, and they inscribed or directed this letter to our worthy friends, the Govenor and assistants, of the Plantation of New Haven in New England; Whereby you may clearly see that the Right Hon. the Earl of Warwick, and the Lord viscount Say and Seal, lately one of his Majesty's that now is, King Charles the Second his most honorable Privy Council, as also the Right Hon. Earl of Manchester Still is, had no purpose after New Haven Colony situated by the Sea Side was Settled, to be a distinct government, that it should be put under the Patent for Connecticut, whereof they had only framed a Copy, before any house was erected by the Sea Side from the Fort to the Dutch; which yet was not Signed and Sealed by the last King for a Patent, nor had you any Patent, till your agent Mr. Winthrop procured it about two years since.

9th. That in the year 1650, when the Commissioners for the four united Colonies of New England met at Hartford, the new Dutch Governor being then and there present; Mr Eaton the then Governor of New Haven Colony, complained of the Dutch Governor's encroaching upon our Colony of New Haven, by taking under his jurisdiction a Township beyond Stamford, called Greenwich, all the Commissioners as well for Connecticut as for the other Colonies concluded that Greenwich, and four miles beyond it belongs to New Haven Jurisdiction, whereunto the Dutch Governor then yielded, and restored it to New Haven Colony, thus were our bounds westward Settled by consent of all.

10th. That when the Honb Governor of Connecticut John Winthrop Esqr, had consented to undertake a voyage to England, to procure a Patent for Connecticut, in the year 1661, a friend warned him by letter not to have his hand in so unrighteous an Act, as so far to Extend the line of their Patent, that the Colony of New Haven should be involved in it.

For answer thereunto he was pleased to certify that friend, in two Letters, which he wrote from two Several places before his departure, that no such thing was intended, but rather the

Contrary, that the Magistrates had agreed and expressed in the presence of some Ministers, that if their Line Should reach us, which they knew not, the Copy being in England, yet New-Haven Colony should be at full liberty to join with them or not. This agreement so attested made us secure, who else would have procured a Patent for ourselves, within our own known bounds, according to purchase, without doing any wrong to Connecticut in their just bounds and limits.

11th. That notwithstanding all the promises, in the year 1662, when you had received your Patent under his Majesty's hand and Seal, Contrary to your promise and Solemn Confederation, and to common equity, at your first general Assembly, yet which could not be Called general without us, if we were under your Patent, Seeing none of us were called thereunto, you agreed among yourselves to treat with New Haven Colony about Union by your Commissioners chosen for that end. Within two or three days after that Assembly was dissolved, but before the ending of that session, you made an unrighteous breach in our Colony, by taking under your Patent Some of ours, from Stamford, and from Guilford, and from Southold, Contrary to your engagements to New Haven Colony, and without our consent or knowledge.

This being thus done, some sent from you to treat with us, Show'd some of ours your Patent, which being read they declared to yours, that New Haven Colony is not at all mentioned in your Patent, and gave you some reasons why they believed that the King did not intend to put this Colony under Connecticut, without our desire or knowledge, and they added, that you took a preposterous Course in first dismembering this Colony, and after that treating with it about Union; which is as if one man purposing to treat with another about Union, first cut of from him an Arm, and a Leg, and an Ear; then to treat with him about Union.

The Revd Mr. Stone, also the teacher of the Church at Hartford, was one of the Committee, who being asked what he thought of this Action, answered, that he would not justify it.

12th. After that Conference, our Committee sent by order of the general Court, by two of our Magistrates and two of our Elders &c, a writing, Containing sundry other reasons for our not joining with you, who also finding that you persisted in your own Will & Way, declared to you our own resolution to appeal to his Majesty, to explain his true intendment & meaning in Your Patent whether it was to subject this Colony under it or not; being persuaded, as we still are, that it neither was, nor is his royal will & pleasure to confound this Colony with yours, which would destroy the so long continued and so

strongly settled distinction of the four United Colonies of New England, without our desire or knowledge.

13th. That accordingly we forthwith sent our appeal, to be humbly presented to his Majesty by some friends in London; Yet out of our dear and tender respect to Mr. Winthrops peace and honor, some of us advised those friends to communicate our papers, first to the Hon. Mr. Winthrop himself, to the end that we might find out some effectual expedient to put a good end to this uncomfortable difference between you and us, and also to present our humble Address, to his Majesty; Accordingly it was done—and Mr. Winthrop stopped the proceeding of our appeal, by undertaking to our friends, that &c.

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The Remonstrance, or Declaration sent to the General Assembly of Connecticut Colony, from this Court, is as followeth:

GENTLEMEN:

The proposed grounds or ends of your and our Coming into these parts are not unknown, being plainly expressed in the prologue to that Solemn Confederation, entered into by the four Colonies of New England, printed and published to the world, viz. to advance the Kingdom of our Lord Jesus Christ, and to enjoy the liberties of the Gospel in purity and peace; for which we left our dear native Country, and were willing to undergo the difficulties we have since met with in this Wilderness, yet fresh in our remembrance. Being the only end we still pursue, having hitherto found by Experience so much of the presence of God with us, and of his goodness and Compassion toward us in so doing for this many years; yet considering how unanswerable our returns have been to God, how unfruitful, unthankful and unholy, under so much means of Grace, and such liberties, we cannot but lament the same, judge of ourselves, and justify God, should he now at last cast off so long patience towards, us bring desolating judgments upon us, and make us drink of the dregs of that cup of indignation, he hath put into the hands of his people in other parts of the World, or suffer such Contentions (in just displeasure) to arise among us, as may hasten our Calamity, and increase our woe, which we pray the Lord in Mercy to prevent. And whereas in pursuance of the said ends and upon other religious and civil consid-rations, and the security of the Interest of each Colony within itself in ways of righteousness and Peace; and all and every of the said Colonies from the Indians, and other Enemies, they did judge it to be their bounden duty for

mutual strength and helpfulness for the future, in all the said Governments, to enter into a Consociation among themselves; thereupon fully agreed and concluded by, and between the parties or jurisdictions, in divers and sundry articles, and at last ratified as a perpetual Confederation by their several Subscriptions, whereunto we Conceive ourselves bound to adhere, until with Satisfaction to other judgments, and consciences, we see our duty with like unanimous Consent with the confederates, orderly to recede, leaving the issue unto the most wise and righteous God. As for the Patent upon your petition granted to you by his Majesty's Connecticut Colony, so far that in that sense we object not against it, much less against his Majesty's Act in so doing.

The same being a real encouragement to other of his Subjects to obtain the like favour upon their humble petition to his Royal Highness, in the protection of their persons, and purchased rights, and Interests, is also a ground of hope to us.

But if the line of your Patent, doth Circumscribe this Colony by your Contrivement, without our Cognizance or Consent or regard to the said Confederation on your parts, we have, and must still testify against it, as not Consistent in our judgments with brotherly love, righteousness and peace. And that this Colony for so long time as Confederate jurisdiction, distinct from your and the other Colonies, is taken in under the administration of the said Patent in your hands, and for its formerly being dissolved and distinction ceasing.

There being not one line or letter in the Patent expressing his Majesty's pleasure that way, although it is your sense of it, yet we cannot so apprehend; of which we having already given our Grounds at large in writing, we shall not need to say much more, nor have we met with any argumentation or rational convictions from you, nor do we yet see cause to be of another mind.

As for your proceedings upon pretense of the Patent towards us, or rather against us, in taking in Sundry inhabitants of this Colony under your protection and Government—who as you say offered themselves, from which a good Conscience, and the obligation under which most of them stood to this Colony, should have restrained them, without the consent of the Body of their Colony first had, and in concurrence with them upon mature deliberation and conviction of duty yet wanting. We Cannot but again testify against as disorderly in them, and which admission on your parts we conceive your Christian prudence might easily have suspended for prevention of the great offence, to the Conscience of your Considerate Brethren: and those sad consequences which have followed, disturbing

the peace of other towns, destroying our comforts, and hazard of our lives and Liberties, by their frequent threats and unsufferable provocations, hath been, and is with us matters of Complaint both to God and man, especialiy when we consider that thus you admitted them, and put power into their hands, before you had made any overture to us, or had any treaty with us about so weighty a business; as if you were in haste to make us as miserable as indeed in these things, we are at this day. And seeing upon our answer returned to your propositions made by you afterwards of Joining with you in the Government, finding ourselves so already dismembered, and the weighty grounds and reasons we then presented to you, we could not prevail with you so far as to procure a respite of your further proceedings, until Mr. Winthrop's return from England, or the grant of any time that way, which was thought but reasonable by some of yourselves, and the like Seldom denied in War to very enemies.

We saw it then high time, and necessary, fearing these beginnings, to appeal unto his Majesty; and so we did; concluding according to the law of Appeals in all cases and among all nations, that the same upon your allegiance to his Majesty, would have obliged you to forbear all further process in the business; for our own parts resolving notwithstanding all that we had formerly suffered, to sit down patient under the same, waiting upon God for the issue of our said Appeal. But seeing notwithstanding all that we have presented to you by word and writing, notwithstanding our appeal to his Majesty, notwithstanding all that we had suffered by means of that power which you had set up, viz. a constable at Stamford, of which information had been given you, but yet you have gone further, to place a Constable at Guilford in like manner over a party there, to the further disturbance of our peace and quiet; a narrative whereof and of the provocation and wrongs we have met with at Stamford, we have received attested to us by various witnesses, honest men, We cannot but on behalf of our appeal to his Majesty whose honour is highly concerned therein, and of our just rights, but as men exceedingly afflicted and grieved, testify in the sight of God, Angels, and Men, against these things; Our ends therein being not to promote or further, any Offence, but rather as a discharge of duty on our part as Brethren and Christian Confederates, to call upon you to take some effectual Course, to ease and right us in a due redress of the grievances you have caused by such proceedings; Such as after you had complimented us with a large offer of Patent privileges, with desire of a treaty with us for union of our Colonies, and you Know as your good words were Kindly accepted, so your mo-

tion was fairly answered by our Committee in that regard. We were under an appeal to his Majesty, that being limited by our Freemen not to conclude any thing for altering our distinct Colony, State and Government, without their consent, and without the approbation of the other confederate Colonies, they were not in present Capacity so to treat, but did little suspect such a design on foot against us, the effect thereof quickly appear'd at Guilford before mentioned. But we shall say no more at this time, only to tell you, that whatever we suffer by your means, the Lord would help us to choose, rather than to sin against our Consciences; hoping the righteous God will in due time look upon our affliction, and incline his Majestys heart to favour our righteous Cause.

Subscribed in the Name, and by Order of the general Court of New Haven Colony.

Per JAMES BISHOP *Sec^y.*

NEW HAVEN, *May* 6^th^, 1663.

A true Copy of Gov. Winthrop's letter to Major John Mason, and the rest of the Court.

GENTLEMEN:

I am informed by some gentlemen who are authorized to seek remedy here, that since you had the late Patent, there had been injury done to the Government at New Haven, and in particular at Guilford, and Stamford, in admitting of several of the inhabitants there unto freedom with you; and appointing Officers which hath Caused division in the same Towns, which may prove of dangerous Consequence if not timely prevented, though I do hope the rise of it is from Misunderstanding, and not in design of prejudice to that Colony, for whom I gave assurance to their friends, that their rights and interests should not be disquited or prejudiced by the Patent. But if both the Governments would with unanimous agreements unite in one, their Friends judged it for advantage to both; and further I must let you know, that testimony here doth affirm, that I gave assurance before authority here, that it was not intended to meddle with any Town or plantation that was settled under any other Government; had it been any otherwise intended or declared, it had been injurious in taking out the Patent, not to have inserted a proportionable number of their names in it.

Now upon the whole, having had serious conference with their friends authorized by them, and with other who are

friends to both, to prevent a tedious & Chargeable trial and uncertain event here. I promised them to give you speedily this representation, how far you are engaged, if any injury has been done by admitting of Freeman, or appointing Officers, or any other unjust intermeddling with New Haven Colony, in one kind or other, without the approbation of the Government; that it be forthwith recalled, and that in the future there will be no imposing in any kind upon them, nor admitting of any member without mutual Consent, but that all things be acted as loving neighbouring Colonies, as before such Patent granted, and unto this I Judge you are obliged. I having engaged to their Agents here, that this will be by you performed, and they have thereupon forborne to give you or me any trouble, but they do not doubt upon future consideration, there maybe such a right understanding between both Governments, that an union and friendly joining may be established, to the satisfaction of all, which at my arrival I shall endeavour, God willing, to promote. Not having more at this present in this Case, I remain—

Your humble Servant,

JOHN WINTHROP.

LONDON, *March* 3d, 1662.

Subscription to Major John Mason, Deputy Governor of Connecticut Colony, and the rest of the Court, then at Hartford.

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A Letter to Connecticut as Followeth.

HONOR'D GENTLEMEN:

We having been silent hitherto as to the making any grievance known unto the Kings Commissioners, notwithstanding what may be with us of such nature, from the several transactions that have been among us, are desirous so continue your Manageing these affairs, in ways consistent with the ancient Confederation of the United Colonies, choosing rather to suffer, than to begin any motion hazardful to the New England Settlements; in pursuance whereof, according to our promise to your Gentlemen, Sent lately to demand our submission, though in a divided, if not dividing way, within our Towns, severally seeking to bring us under the Government by yourselves already settled, wherein we have had no hand to settle the same, and before you had cleared to our Conviction the Certain limits of your Charter, which may justly increase the scruple of too much haste in that, and former actings upon us.

The generality of our undivided people have orderly met this

13th of 10th month (64), and by the vote enclosed, have prepared for this answer to be given of our submission, which being done by us, then for the accommodation of Matters betwixt us in an amicable way, by a committee empower'd to issue with you on their behalf, and in behalf of all Concerned, according to instructions given to said Committee. We never did, nor ever do intend to damnify your moral rights or Just privileges, Consistent with our like honest enjoyments; and we would hope that you have no further Scope towards us, not to violate our Government interest, but to acommodate us with that we shall desire, and that Patent bear, as hath been often said you would do; and surely you have the more reason to be full with us herein, seeing that your success for Patent bounds with those Gentlemen, now obtained, seems to be debtor unto our silence before them; when as you thus by single application and Audience, issued that matter, you thus performing to satisfaction; we may still rest silent and according to profession, by a studious and Cordial endeavour with us, to advance the interest of Christ in this Wilderness, and by the Lords blessing thereupon, Love and Union between us may be greatly confirmed, and our Comforts enlarged. Which is the earnest prayer of, Gentlemen, your loving friends and neighbors, the committee appointed by the Freemen and, inhabitants of New Haven Colony now assembled.

JAMES BISHOP, *Secretary.*

NEW HAVEN, *Dec.* 14, 1664.

Connecticut's Return Answer.

HARTFORD, *December* 21, 1664.

HONORED GENTLEMEN:

We have received yours dated the 14th Inst, Signed by James Bishop, wherein you are pleased to mention your Silence hitherto; as to the making any grievance known to his Majesty's Commissioners, Notwithstanding what may be with you; we can say the same, though we had fair opportunities to present anything of that nature. As for desire to manage affairs according to the Confederation, the present motion will we hope on a Candid review, not appear any way disonant therefrom. For besides the provisions made in one of the Articles of Confederation for the Colonies uniting in one, there was special provision as you well know, made at the last session of the Commissioners for that purpose, conjoined with pathetical advice & Counsel to an Amicable Union. Our too much forwardness with New Haven is not so clear, seeing those

plantations you inhabit are much about the centre of our Patent, which our charter limits, as also the inclosed Determination of his Majesty's honorable Commissioners, will to your conviction be apparent.

That our success for Patent bounds with the Kings Commissioners is debtor to our Silence, seems to us strange when your non Compliance was so abundantly known to those Gentlemen, yea the news of your motions when Mr Joseph Allyn was last with you, was at New York before our Governors departure thence, notwithstanding your silence and yet so good an issue obtained. We desire such reflections may be buried in perpetual silence, which only yourselves necessitating thereunto shall revive them, being willing to pursue truth and peace as much as may be, with all men, especially with our dear Brethern in the fellowship of the Gospel, and fellow members of the same civil Corporation, accommodated with so many Choice privileges, which we are willing after all is prepared to your hands, to confer upon you equal with ourselves, which we wish may at last produce the long desired effect, of your free and cordial Closure with us, not attributing any necessity imposed by us, farther than situation of those plantations in the heart of our Colony, and therein the peace of posterity in these parts of the Country, is necessarily included; and after so long liberty to present your plea, when you have seen meet. Gentlemen we desire a full answer as speedily as may be, whether those lately impowered accept, to govern according to this Commission, if not, other meet persons may by us be impower'd in their Room.

Thus desiring the Lord to unite our hearts & spirits in ways well pleasing in his sight, which is the prayer of your very loving friends.

The council of the Colony of Connecticut
Signed by their order by me
JOHN ALLYN, *Secretary.*

The Last Return of New Haven Colony Committee in Answer to their Former Letter.

NEW HAVEN, *January* 5th 1664.

HONORED GENTLEMEN:

Whereas by yours dated December 21st 1664, you please to say that you did the same as we, not making any grievance known to the Commissioners &c, unto that may be returned, that you had not the same Cause so to do from any pretense of injury by

our intermeddling with your Colony or Government interest; unto which we refer that passage for our expressing desire to manage all our matters in Consistency with the Confederation, we hope you will not blame us however disonant or consonant your actings to us have been, at least to the Confederates, to judge as their records may show. That Article which allows two Colonies to Join, doth also with others, assert the justness of each Colony, distinct rights until joined to mutual satisfaction; and the provison made in such case the last session, we gainsay not, when the union is so Completed, and a new Settlement of the Confederation by the respective general Courts accomplished; their pathetical advice and Counsel for an amicable Union, we wish may be so attended; in order whereunto we gave you notice of a Committee prepared to treat with you for such an accommodation, unto which you gave us no answer, but instead thereof, send forth your Edict from Authority upon us, before our conviction for submission was declared to you. The argument from our intermixed Situation, is the same now as it was before our Confederating, and even since, and affords no more ground to disannul the Government than before, we might marvel at your strange, why we should think your success should be debtor unto our silence, and that because the news of our Non-Compliance was with the Commissioners, as if the mere news of such a thing contained the Strength of all we had to say or plead. Gentlemen, we intreat you to consider that there is more in than so yea, that still we have to alledge sthing of weight and know where and how if we choose, not rather.

A true copy of his Majestys Letter to the Governor and Assistants, of the Massachusetts, Plymouth, New Haven, Connecticut Colonies in New England, followeth.

CHARLES R.

Trusty and well beloved, we greet you well, whereas we have been given to understand that our good subjects Thomas Chiffinch, John Scott, John Winthrop, Daniel Dinison, Simon Bradstreet, Thomas Miller, Richard Smith, Edward Hutchinson, Amos Richardson, John Alcock, William Hudson and their associates, having in the right of Major Asherton, just propriety in the Narraganset Country, in New England, by grants from the native Princes of that Country and being desirous to improve it into an English Colony and plantation, to the enlargeing of our empire, and the common good of our subjects—they

are yet daily disturbed, and unjustly molest d in their possession and laudable endeavours, by certain unr asonabl and turbulent spirits of Providence Colony of New England aforesaid, to the great scandal of justice and Government, and imminent discouragement of that hopeful plantation. We have therefore thought fit, hereby effectually to recommend the said proprietors to your neighborly kindness and protection. The proprietors to be permitted peaceably to improve their Colony and plantation in New England, willing, you on all occasions to be assisting against such unjust oppressions and molestations; that so they may be secured in the full and peaceable enjoyment of their said Country, according to the right and Title they have to it. Wherein we will not doubt of your kindness and care; and shall on all good occasions express how graciously we accept of your Compliance with this our recommendation— and so we bid you farewell.

Given at our Court at Whitehall, the 21st day of June 1663, in the 15th year of our reign.

By his Majestys Command

HENRY BENNETT.

———

Endorsed and directed as followeth—

To our trusty and well beloved Subjects, the Governor and Assistants of the Massachusetts, Plymouth, and New Haven, and Connecticut Colonies in New England

Examined by the original per me

WM. JONES, *Secry*.

NEW HAVEN.

———

State of Connecticut ss. New Haven, in the County of New Haven, October 29th A. D. 1782

The within and the foregoing are true Copies of Record of the Ancient Colony of New Haven.

Examined, by John Whiting, Clerk of the County Court for the County of New Haven.

MINUTES OF THE GENERAL COURT.

A general Court held at Hartford November 14th 1683 by special order of the Governor.

The court being met, the Governor informed the Court, that he thought it might be necessary, seeing Colonel Dongan was entered into the Government of New York, that some gentlemen might be appointed to congratulate his safe arrival, and entrance into the government of his Royal Highness' territories in these parts, as also that there seem'd to be a dissatisfaction taken by the Honorable Colonel Dongan about the settlement of the line between his Majesty's Colony of Connecticut, and his Royal Highness' Colony of New York made by his Honorable Commissioners, and desired the court to consider of the Same, and give their advice what was to be done.

The Court having considered the premises, declared by their unanimous Vote, that they judged it Convenient that a Committee be chosen and impower'd by this Court to attend the premises, as soon as may be, according to such commission and instructions as they shall receive from this Court.

This Court made choice of the Governor, Major Nathan Gold, Captain John Allyn and Mr. William Pitkin, to attend the service aforesaid.

To the Honorable Robert Treat Esqr Governor, Major Nathan Gold, Capt. John Allyn Esqr Assistants, and Mr. William Pitkin.

Gentlemen The general Assembly of his Majesty's Colony of Connecticut, at their present Sessions the 14th day of November 1683, do hereby nominate, Commissionate, and fully impower, as also desire you to take your first opportunity, to travel to the City of New York, where you are to visit the Honorable Thomas Dongan Esqr, Governor of his Royal Highness the Duke of York, his Territories in America, and to congratulate his Honor's Safe arrival to New England and his Highness' Territories; and to manifest to him this Courts grateful resentment of his Honors profession, by his Letters, of his desire to be in good Amitie with us, and to assure his Honor, that we shall study and endeavor as we may by all good ways and means, to show ourselves as amicable and Servicable to his Royal Highness, and his Honor, as we are capable of, and to that end we shall endeavor to remove all obstructions, and do what is in our Compass to settle and maintain a good and

neighborly Correspondence with him for our mutual Advantage.

Also, Whereas his Honor hath been pleased in his Letters to signify to us that he is not satisfied with the former stated bounds between this Colony and his Royal Highness' Territories, and hath moved for a treaty Settlement of what is, or may be, matter of difference between his Highness' claims and ours, in that respect.

You, or any three of you, are hereby fully Commissioned and impowered to treat with his Honor thereabout, or such as he shall please to appoint, and if you shall see just reason to vary any thing from the former Settlements of the Bounds, between his Royal Highness' Territories and this his Majesty's Colony, by his Majesty's Commissioners thereunto by his Majesty especially appointed, and a committee from this Colony, farther towards the East than was agreed on, and hath since been approved by his Majesty.

You have hereby full power and authority to do, and agree therein with the said Governor Dongan, or those he shall appoint for a final issue and settlement, according to your best judgment. Provided, that his Majesty and Royal Highness approve of and Confirm the same.

———.

Instructions for the Honorable Robert Treat Esq^r Governor, the Worshipful Major Nathan Gold, and Capt. John Allyn, Assistants, & Mr. Wm. Pitkin.

GENTLEMEN: You are take by order of this Court our Commission, given to yourselves, to congratulate the Honorable Thomas Dongan, Governor of his Highness the Duke of York's Territories, his safe arrival into these parts, and to treat with him as therein mentioned, as also an attested Copy of the former Settlement of our Westward bounds by his Majesty's Commissioners, with a copy of Colonel Nichols' Commission, impowering him and the other with him thereunto, and of the Commission of our Committee that Concluded with them, as also of his Majesty's gracious Letter wherein the same was Confirmed, with what other papers you may think necessary; and as soon as God gives you opportunity, to go to New York, and there to visit the Honorable Governor, Thomas Dongan and to salute and congratulate him according to your Commission, which you may show him, and deliver him a Copy of, if you see Cause.

As to your treating and concluding with him about settling the bounds between that Territory and this Colony, you shall not exceed his demands of twenty Miles Eastward from Hudsons River, but get him to take up with as little as may be.

You are to see his power to treat and conclude, or if that appear not to your satisfaction, then you must treat and conclude only conditionaly, and with this proviso, that his Majesty and the Dukes Highness shall please to ratify it.

As to the rise of our Line at Mamaronock, you are to declare there could be no mistake between the Commissoners about that, and therefore endeavour to hold that Bound.

If you grant any parts of the Land within any of the Townships of this Colony, you are to endeavour to reserve those Lands to the Towns Propriety, though as to Jurisdiction they belong to his Highness.

You are to endeavour that the former Line Concluded on in all places, shall take place, unless it be where it is nearer Hudsons River, than such a distance as you can agree on.

You are to remember all along, to make his Honor sensible how firm and legal the former settlement was, and that our varying from it, is to oblige his Honor and promote and perpetuate good correspondence between this his Majesty's Colony, and his Royal Highness' Territories, and the successive Governors of them both.

A true Copy of Record in the Secretary's Office of the State of Connecticut.

Examined by

GEORGE WYLLYS *Sec^ty.*

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Queries by the Lords Commissioners of Trade.

GENTLEMEN:

My Lords Commissioners for Trade and plantations, Command me to send you the enclosed Queries relating to the Colony of Connecticut, and to desire your particular Answers thereto, as soon as may be.

I am

ALURED POPPLE.

1st. What is the situation of the Colony under your Government, the nature of the Country, Soil & Climate, The Latitudes and Longitudes of the most Considerable places in it. Have those Latitudes & Longitudes been settled by good observations, or only by Common Computations, and from whence are the Latitudes Computed.

What are the reputed boundaries, and are any parts thereof disputed. What parts, and by whom.

What is the Constitution of the Government.

What is the trade of the Colony the number of Shiping, their Tonage, and the number of Sea faring men, with the respective increase or diminution within ten years past.

What quantity and Sorts of British Manufactures, do the inhabitants annually take from hence.

What trade has the Colony under your Government with any foreign Plantations, or any part of Europe, besides Great Britain, how is that trade carried on.

What Commodities do the people under your Government send to, or receive from foreign Plantations.

What Methods are there used to prevent illegal trade, and are the same effectual.

What is the natural produce of the Country, Staple Commodites and Manufactures, and what value thereof in Sterling Money may you annually export.

What mines are there.

What is the number of inhabitants, Whites and Blacks—are the inhabitants increased or decreased within the last ten years how much and for what reasons.

What is the number of the Militia.

What Forts and plans of defense are within your Government, and in what Condition.

What number of Indians have you and how are they inclined.

What is the Strength of the neighbouring Indians.

What is the strength of the neighbouring Europeans French or Spaniards.

What effect have the French or Spanish settlements on the Continent of America upon his Majesty's Plantations, especially on your Colony.

What is the revenue arising within your Government, and how is it appropriated.

What are the ordinary and extraordinary expenses of your Government.

What are the establishments Civil and Military, within your Government, and by what authority do the Officers hold their places.

It is desired that an Annual return may be made to those Queries, that the Board may from time to time, be apprised of any alterations that may happen in the Circumstances of our Government.

———

The Answer of Connecticut.

May it please your Lordships:

We have received your Queries to his Majesty's Colony of Connecticut, and in answer thereunto, we inform your Lordships as followeth.

The Colony of Connecticut is situate upon three principal

Rivers, viz, Connecticut River, Stratford and Quinabange Rivers, and on the Sound Southwards towards Long Island; in some places our Lands are Intervale or Meadow, upon the Rivers and by the Sound; the soil is fruitful, but the far greater part of the land in the Colony is Mountainous, rocky, and more Barren. The climate is very cold in the Winter, and very hot in the summer, the weather often and suddenly Changing. The Colony lieth between forty one and forty two degrees of North Latitude, and in Longitude, about seventy degrees west from London. The Latitude has been found by repeated and Careful observations.

The repeated and known Boundaries are, the Massachusetts on the North, Rhode Island Colony on the East, Long Island and Sound on the South, and the New York Province on the West; no points thereof are disputed, but all settled and ascertained, except Some part of the dividing Line betwixt this Colony and New York.

As to the Constitution of the Government, the Legislature is by our Royal Charter granted by King Charles the second of blessed Memory, lodged in the General Court, consisting of a Governor, or in his absence a deputy Governor, twelve Assistants and one or two deputies from every Town: the Governor, deputy Governor, and assistants, are annually chosen by the Major part of the Freeman of the Colony, and the Deputies by the Freeman in each Town; which Court or assembly are divided into two Houses, the upper House consisting of the Governor or in his absence, the deputy Governor, and six assistants at least; and the lower House of the Deputies (Without the consent of the Major part of each House no act is passed) Who make Laws, institute judicatures, appoint judges and necessary Officers, and cause them to be sworn; grant Lands, make orders and institutions as the necessity of the Government requires, which assembly meet twice in the year, and in the vacancies, the Governor and Assistants manage the contingent Affairs.

The trade of the Colony is but small, Horses and Lumber are exported from hence to the West Indies, for which we receive in exchange, Sugar, Salt, Molasses and Rum; what provisions we can spare, and some small quantity of Tar and Turpentine, are sent to Boston and New York and Rhode Island, for which we receive European goods, the number of our shiping and this Tonage, is as followeth:

	Tons
Hartford, David Williams Master, Sloop Mary	60
Greenwich, Sloop Sarah & Abigail, Henry Jones	30
Guilford, Sloop Mary	12

	Tons.
New London, Briganteen London	60
Norwich, Sloop Olive Branch	25
Milford, Sloop Tryall	40
New Haven, Schooner Elizabeth & Mary	50
Saybrook, Sloop Lucy	35
Killingsworth Sloop	10
Norwich, Sloop Mary	20
Hartford, Sloop Rebecca	40
New Haven, Sloop Humbird	20
Norwich, Sloop Martha & Elizabeth	40
Haddam, Sloop Ranger	30
New London, Briganteen Dolphin	80
Guilford, Sloop Tryal	20
Middletown, Sloop Lark	45
Norwich, Sloop Success	40
Hartford, Sloop Hamshire	18
New London, Sloop Lydia & Mary	25
Branford, Sloop Dolphin	33
New Haven, Sloop Mary & Mercy	30
Hartford, Sloop Tryal	35
New Haven, Schooner Tryal	30
Milford, Sloop Swallow	30
Norwalk, Sloop Tryal	25
Guilford, Sloop Swan	25
Middletown, Brigantine Allen	60
Guilford, Sloop Mary	30
Killingsworth, Sloop Tryal	20
New Haven, Sloop Tryal	35
Weathersfield, Sloop Thankful & Ann	18
Greenwich, Sloop Elizabeth	30
Stratford, Sloop Endeavour	30
Fairfield, Sloop ———	20
New London, Sloop Dolphin	15
Stratford, Sloop Endeavour	30
New London, Sloop Michael	12
Lyme, Sloop Three Brothers	30
Stratford, Sloop Dolphin	12
Saybrook, Sloop North	25
Saybrook, Sloop Joseph & Mary	30

Forty two sail of Vessels, which stand in the Same order as they do in the Collectors Register Book.

Our Seafaring men are only what are necessary to manage the Shiping aforesaid, there hath been no Sensible addition or diminution for ten years last past, only, that we have built considerable more the ten years last past than heretofore, the

most of Said Shiping, So lately built, have been Sold at the Province of Boston, West Indies, and to his Majesty's Subjects of Great Britain, Bristol &c.

Our inhabitants take annually all sorts of Woollen Cloth, Silks, Glass, Nails, Sythes, Pewter, Brass, and Fire-Arms, of the British Manufacturers, but we cant ascertain your Lordships the quantity.

The trade which the Colony hath with any Foreign Plantations, is only as before mentioned, and with no parts of Europe excepting only a few voyages to Ireland with timber, and some few (one or two), that have been built here of late, made their Voyage to Bristol, there Sold Ship and Cargo, and brought their returns hither.

The methods used to prevent illegal Trade, are the measures taken by the Collectors placed at New London, and his deputy at Fairfield, where are also Naval Officers under the Strictest regulations, which do at present prove effectual; but there being many other Convenient Harbours along the sound, many of which were allowed to be free Ports, will render it difficult, had we any Considerable trade, and now is a great hardship, and an obstruction to the little trade that we have, all being obliged to put in at New London to enter, and clear, whereby some winds and much time is lost.

The Produce of the Country is Timber, Boards, and all sorts of English grain, Indian Corn, Hemp, and Flax, Sheep, Cattle, Swine, Horse Kind & Goats, and Tobacco. Our Manufacturies are inconsiderable, our people being generally employed in tilling the Earth, Some few are employed in Taning & Shoemaking and other handicrafts others in Building Joiner Work, Taylors, Smiths, without which we Could not Subsist.

There are Some Copper Mines found among us, which have not yet been very profitable to the undertakers. Iron Oar hath been found in Sundry places and improved to good advantage.

The number of our inhabitants of both sexes and all ages are computed to be 38000, and about 700 Indians and Negroes.

The inhabitants are much increased within this ten years last past, the reasons are, firstly, the Country is new and large, secondly, the intestate Estates are, or have been divided among all their Children, which encourages them while in their Fathers family, to join their united Strength to clear and subdue the Earth, and thereby make room for their own settlement when they Come of age. But the consumate and principal reason is, the blessing of the Almighty on the fruit of our bodies and the fruit of our Land.

The number of the Militia, according to list or Muster Rolls

of the train bands, which consist of all from Sixteen to fifty five years of age, is 8500.

In time of War we have always had sundry Forts on our Frontiers, to Cover us from the insults of the French and Indians, which yet have never been of any great service to us, the enemy Coming in Small parties, Surprise our people Suddenly, and then flee into the adjacent woods. We have had a Fort at New London long since, and several pieces of Cannon, but are now building a New Fort where are already mounted four Cannons to Secure that Post, and in a short time intend diverse more shall be there mounted.

The number of Indians amongst us are about 1600, of both sexes and all Ages, they are inclined to hunting, idleness, and excessive drinking. Some of their youth are now in a school at Mohegan, set up and maintained by the English for that purpose, and they give good Evidence of their docability.

The Five Nations of Indians as they are called live about 250 miles Westward from us, the French Indians that live at Canada and the Eastern Indians which live about 250 Miles North East us, are our only neighbouring Indians and their strength is unknown to us.

The Spaniards have not Settled in North America to the Eastward of Cape Florida as we know of, which is very distant from us. The French at Canada about 400 Miles North from us and of Considerable Strength.

The Spaniards in South America have of late years, taken some vessels from this, and sundry from neighbouring Governments. The French at Canada, have been very troublesome to this, and to the neighbouring Governments; Always encouraging the Indians against the English, supplying them with arms & ammunition, and joining with them in making inroads in time of War, they are of Considerable strength, and since they are settled on the River St. Lawrence, and on Mississippi to the north of it, boasting in time they will drive us all into the Sea.

The annual Revenues arising on Rates & Duties is about £4000 in our paper Currency, of which about £1000 is yearly laid out in maintaining Free schools for the education of our Children, the remainder is for the support of his Majesty's Government here, and to sink a heavy debt we Contracted in the War, and our Expedition against Canada and Annapolis in the reign of Queen Anne.

Our Civil establishments are first, a superior Court, consisting of one chief Judge, & four Judges; this Court sits twice in the year in each County, tries all Crimes, and Misdemeanors & Civil actions that come to them by appeals from the inferior

Courts; Secondly, an inferior Court in each County, consisting of one chief Judge and three or more Justices of the Quorum: these Courts have their quarter sessions for the trial of delinquents and Civil Actions, thirdly, in most of our Towns is one or more Justice of the Peace, for the Conservation of the Peace, and trial of Small Cases.

The Militia is divided into five Regiments, as many as there are Countys, over which the Chief Officer is at present a Major, to each of which Regiments belongs a Troop, the superior Officers are appointed by the general Court, the Captains, Lieutenants and Ensigns are chosen by the soldiers, approved by the general Court. and all Commissioned by the Governor in the name of our Lord the King.

To the Right Honorable, the Lords Commissioners for Trade and Plantations.

Signed per Order of his Honor the Governor, and the Assembly.

HEZ. WYLLYS, *Secretary.*

A true Copy from Record in the Secretary's Office of the State of Connecticut.

Examined, by GEO. WYLLYS, *Sec^t.*

In full Testmony of the truth of the two Several Copies (by me Attested) which are contained in this Roll, the public Seal of the State of Connecticut is hereunto affixed, this 18^th^ day of November, Anno Domini, 1782.

GEORGE WYLLYS, *Secretary.*

THE DUTCH RECORDS

OF

NEW NETHERLANDS

IN CONNECTION WITH THE

BOUNDARIES OF CONNECTICUT.

TRANSLATION OF DUTCH RECORDS OF NEW NETHERLANDS NOW STATE OF NEW YORK.

Book A.—a prohibition by order of Governm^{t} without Leave to trade with thear Hous the Hope "By order of Governour an "Council—Every one is warned by this proclamation that no "man presume to sail with Schuyts or other vessels to our Fort "the Hope, without an order from the Governour, or to come "from thence without a proper Certificat from the Companies "Commissary there residing, In failure whereof such vessel & "Cargo shall be forfeited to the Company and the owner sub-"ject to pay such fines as according to the Crime shall be laid "on him. fort Amsterdam 31 March 1639.

1641, 6 June. The Governour and Councel hearing the manifold Insolance of the English on Fresh Water River, by Violence possessing their Land which they had purchased of the natives, first settled and fortified, disturbing their subjects, spoiling their Improvement, ruin their Gare & kill their Cattle, came to the following Resolution "This being by us consid-"ered how such proceedings tend to the dishonour and little es-"teem of the Supream power, and the Hon^{ble} West India Com-"pany whose just Right and authority we are to mantain: Have "concluded and are determined to send Mr. Johannes La Mon-"tage one of the Councel of New Netherland with 50 Soldiers "& some sloops to establish and fix our House the Hope, That "those Hostilities so wickedly put in practice by the English be "not repeated, and our Just Right in those our Territories are "better mantained.

1642 April 3. The Governour and Councel complain that whilst they had purchased their Ground on and in Fresh Water River in the year 1633, paid for it and possest it ever since long before any Christians were acquainted with that River; That the English notwithstanding our continual protestations have encroached our Territories, abuse and evil treat our people, using them barbarous, ruin and defeat all their Improvement & drive them from our Land, and have usurped part of our Land into their pretended Township call^{d} Hartford. "So it is "our special Command that no inhabitant of New Netherland

"presume to buy any provisions raised on our fresh water "River, or near our fort Hope, direct nor indirect out of the "2d or 3d Hand, all on pain of arbitrary Correction, except they "produce the Raisor of such provisions. And all those that offer to sell provisions shall be purged by oath, where their provisions are raised, when they shall obtain proper certificates, of this every Inhabitant is advised. Proclaimd in Fort Amsterdam. On the 10th July" 1642, appeared before us the Gov- "ernor and Councel of New Netherland Messrs Weyting and "Heer, deputed by the Governour and Councel of Hartford, "situated on fresh water River of New Netherland, authorized "by Credentals which set forth that they were qualified to "treat with us about the dispute of the possession of a certain "piece of Land on said River the which they claime desiring "the peaceable enjoyment thereof, Whereon we answered that "the said Land was purchased by us 1633 and paid for to the "Right owners as appears by their Indian Deed & bargain of "sale in virtue whereof we have taken possession thereof in the "same year, built a fort and supplied it with Ammunition & a "proper Garrison before any other Christian people ever knew "or entered this River as we shew'd them with severell original "proofs, and indisputable Rights. Desiring of the said Depu- "ties that we may possess our own lawfull premises in peace, & "manure them to our liking: or that they acknowledge the "H: & M. States Genl & his Highnes the Prince of Orange for "their Sovereins. And pay the Rates and Taxes for the posses- "sion of said Land. The which the Deputies have provisional "accepted and desired some time to Communicate such to their "Govr & Councel, which was granted them, giving the propo- "sals in writing, in Latin, dated as above."

In Book B.—"Whilst David Provoost Commissary on Fresh "water River in New Netherland is come to crave his dismishon, "and reports that the House Hope in that Quarter wonts to "be repaired, and better provision for its Continuance then "hitherto was made the more as that house Hope first & man- "tained is one of the Northermost Limits of New Netherland, "for in Case the said House which in some degree is a Charge "to the Governmt should be abandoned the English who have "already usurped our purchased soil, would soon make them- "selves Master of sd River, and thus our frontiers fall in their "hands which would be degrading our Soverens and depriv- "ing the Ho. West India Compy of their Just Right. So it is "after mature Consideration resolved and determined to man-

"tain the House Hope for the Honour of their H. M. & the "Lords Majors and thus to appoint a fit person for a Commis- "sary in Room of the former. Thus done & concluded in Coun- "cel at fort Amsterdam in New Netherland the 6th June Anno "1647.

In the Book of Letters from W. India Company to the Govern- nour in New Netherland mark Q a letter dated Amsterdam 15th April 1650 where they mention to have receiv[d] the Letter from the Government of Boston to Governour Stuyvezand of the 6th August 1649, and Governour Stuyvezand, answer there on 2d September following, the one and the other are taken out of the book B since the last liefe is dated 2d August and above 10 Leafs are tore out. In this Letter the Company write very pressing to settle the Limits with New England in Consequence whereof it seems that Settlement of the Limits with Hartford, Connetticut, New Haven & the Commissioners in the year 1650 is made, but the Treaty itself no where to be found although often mentioned.

In Book G fo. 161 & 162.—An English Letter from the Governm[t] of Massachusetts to our Governour. Much Honored Sir— We received yours of the 27th October 1659, in answer to a let- ter of the Commissioners of the United Colonies dated Septem- ber the 7th 1659 wherein we confess you have gratified us in letting us know your mind though your Resolutions and the Reasons thereof be no matter of satisfaction to us, we have therefor thought it necessary by this our Letter, as also by our Hon[d] and well beloved Major William Hawthorne and Mr. John Richards (to whom we desire you to give Credit) to let you understand our clear and honest Intentions in the Busi- ness, to stop your Admiration and demonstrate the Equity of the motion of the Honoured Commissioners on our behalf—The patent granted to the Colony of the Massachusets by the late King Charles begins on the South part, three miles to the Southward of Charles River, or Massachusets Bay which lyeth in the northerly Lattitude of 42:20′ And upon an East and West line is to extend through the main Land of America from Sea to Sea; and we are very well assured that some part of Hudsons River (a name well known to the English before the arrival of any Dutch in those parts) lyeth to the Northward of the said Lattitude and is within our patent granted and pos- sessed by us about thirty two years and although the Dutch may have intruded within the said Limits, and we by Reason of our Remoteness to the said Hudsons River, and opportunity

of planting together whilst our number were fewer have made no use of our Right there: Yet being now increased and wonting convenient places to settle our people we conceive no Reason can be imagined why we should not improve and make use of our Just Rights, in all the Lands granted us, especially those upon Hudsons River not being actually possessed by your nation, which is the only thing that at present we intend; and you may rest assured that your premitting a passage up the said River shall no ways be improved by us to prejudice your Right upon the said River, or that your Amicable Compliance with us should be requited by Treacherous or Unworthy attempts from us. Sir you cannot be ignorant that the Rhine, the Elb with many other Rivers pass through the Territories of Divers Princes, yet afford passage to all in Amity; neither can it be more lawfull for our party to denye a passage meerly for profit sake, than for another to open it for the same End; and should our enjoying our Right be some damage to your trade and profit, we would suppose that argument so unbecoming the professors of Christianity that those that do but pretend to common Justice and Honesty could never allege it seriously without blushing. We have prohibited all forreiners to trade with the natives in our Jurisdiction and cannot denie you the like liberty, but will not therefor yield to be debarred from trading with our own Indians, though living near you, and possibly to the Hindrance of your Trade, neither do we expect or desire that you should be denied the like Liberty. We have understood the Capacity wherein you stand, and have therefor made our Addresses to you, as our Neighbours, not judging it necessary to apply ourselves to the Lords States, or West India Company, yourselves being by them substituted to do Justice, and consequently to us in our clear and undenyable Rights and in our reasonable and amicable Desires of passage for the more easy Improvement of our Rights, the denial whereof will much more endangour your Hon^{rs} &c then your amicable Compliance with us can render you obnoxious to your superiors. The Contract made at Hartford, as the Commissioners have truly aledged was between the Colonies of Connetticut and New-Haven and yourselves, The Massachusetts not being concerned therein as you very well understood, Their Commissioners being Arbitrators which you would have objected against, had they been parties, but were it as you say, yet it doth not prejudice the present Claim of the Massachusets upon Hudsons River because that agreement of not coming nearer Hudsons River then ten miles is expressly limited to extend no farther then 20 miles from the Sea to which we never pretended a Title as not being within our Limitts of 42:20: Yet

those parts upon Hudsons River that are in the Lattitude aforesaid, and more then 20 miles from the Sea are lyable to our Claim, Notwithstanding the aforesaid Contract. After our due Respects presented remain Sir your affectionately loving friends and neighbours Edward Rawson Secret^{y} In name, and by order of the Gen^{l} Court of the Massachusets. Boston 12th Novem^{r} 1659. which Letter is translated in Dutch fo. 163. to 165. and answered in Dutch, from 167 to fo. 173. the which being translated is as followeth; Right Esteemed Worthy Lords, and beloved neighbours, We had expected that our former advises of 29th October last year in answer to the letter of the Commissioner from Hartford on Connecticut dispatcht to Governour Endicut would have given sufficient advise & contentment to himself, to you, and to every one concerned, how we by our Oaths Honour and express Command were limitted to allow no Right, Title, Trade or a Passage on this their undisputable North River, but to true faithfull and Sworn Subjects & Inhabitants of this their Province of New Netherland. But as our former advices gave them no satisfaction so that in their latest advises 1298 by their Commissioners Major Hawthorne & M^{r} John Richards they made new proposals, & presisting on new terms, we shall answer them in the clearest manner, as short as is possible. In the first place you say "The pat-"ent granted to the Colony of the Massachusets by the late "King Charles, begins on the South part three miles to the "S^{t}ward of Charles River or Massachusets Bay, which lyeth in "the northerly Lattitude of 42^{d} 20^{m} And upon an East and West "Line is to extend quite through the main land of America "(on a straight line) from Sea to Sea. On which we answer That such a patent regular obtained, doth not deprive their High Mightinesses the States General of the United Provinces of their power to give Licence to their good and faithfull subjects the Lords Directors of the West India Company which was granted to them before the pretended patent of their King before mentioned; and thus the patent of that unhappy King can not prejudice the more early possession of neighbouring friends and allies, you have omitted or studiously evaded the Date of your patent: it is evident by Historians English & Dutch, that that unhappy King succeeded his father 1625. The printed Histories Proofs & Journells Letters and memorials from new Netherland make it appear that this North River of New Netherland was first discovered on the Charge of the Netherlanders in the year 1609 by Hendrik Hudson Commander and merchant on the Jagt de Halve Moon, employed by the East India Company, and on Report of said Hudson, some Merchants in Amsterdam sent another ship on the same River 1610,

who obtained Commission and Licence from their High Mightinesses after that, to navigate that River for whose protection they built them a small fort in the year 1615, whence an Island near fort Orange or Albany still retains the name of Castle-Island, and whereof the Ruins may yet be seen, the which by high floods, and the Setting of the Ice much impaired, is at length neglected; and lastly New Netherland and of Consequence also the North River as part thereof by Octroy or Priveledged Licence from their H : M : the States General granted to the Ho : West India Company, who in the year 1623 (2 years Before K. Charles came to the Crown, and perhaps more yet before the granting of the Massachusets Patent) were in actual possession of the said North River, which they had planted with Colonies, and for the better securing their Right built a fort at New Amsterdam on the mouth, and on the upper part another fort called it fort Orangie. You say farther; "we are very well assured that some part of Hudsons River (a name well known to "the English) before the arrival of any Dutch in those parts, "lyeth to the Northward of the said Lattitude and is within our "patent granted, and possessed by us about 32 years. We have "already said and can prove that the North River though by the English called Hudsons after the first discoverer, was by him first discovered in the Service of the East India Company, and so first found out and discovered by the Hollanders before any English Shipping been in these parts, and been in possession although by particular persons yet by Licence priveledged by their H : M : not only 32 but above 50 years, and now above 37 years in Hands of the West India Company who have peopled the said N°. River & strengthned it with 2 forts ever since. It was therefor a gros aspersion cast on our nation to call us Intruders, a name more becoming those that by your Instigation intrude in the Rights of our Limitts and violently possess the Land which we had in Indisputable possession 36 or 37 years as on Fresh water River, the house Hope, the North River and its forts Amsterdam and Orange. So long since before any English man had intruded within these Limits; you will without doubt approve of and hold to that General Rule accepted by all Christian Nations Qui Prior in Possessions prior est in Jure. The Similitude quoted of the Elb and other Rivers in Germany running through many Dominions of Princes & Citties, without denying passage to one another, you yourselves would have solv[d] that Difficulty iff the River of Theem's had been taken instead of one of them. We are not ignorant that on that and other Rivers many princes, Electorates, and Citties border, All under one Empire or Kingdom, every one retain their own Jurisdiction, and own nation, but do not therefor admit other

nations as French & English, even as the English will grant possession or Jurisdiction to no nation on the Theems, and so Right to claim passage there, and even if they did we hope you are not ignorant quod similitudines aliquo modo demonstrant sed nihil ponunt. You say farther that "You have prohibited "all foreiners to trade with the nations in your Jurisdiction, "and can not denie us the like liberty. We apprehend the authority of our Soverins and privelege to their subjects granted placed them in such capacity that they need nō leave, nor fear denial of any others, nor have their Right fixed by any others. But say you farther "We will not therefor yield to be debarred "from Trade with our own Indians though living near you, "and possibly to the Hindrance of your Trade." We refer this to your own Judgment how this squares with your proceeding Supposition, if enjoying our Right should prove to your detriment, we Judge that to presist therein would be very unbecoming the professors of the Christian faith, even against common Justice. What you understand and who you mean by your own Indians, and how far they extend you do not mention, and thus are we kept in the dark. We hinder no Indians to trade with other Nations, but only on our own Streams & Rivers long since purchased & inhabited with the Lands bordering thereon, and thus shall mantain & defend our Indisputable Right with our all, and suffer you nor any foreiner to trade or pass over our River without our Leave. We freely own with you that we are duly qualified and commissionated by our Sovereins the H : M : States Gen^{l} of the United provinces; and by the Right esteemed Lords Directors of the West India Company to maintain their Right by all the means & power given us by God and our Superiors, both on the South and North River as their Indisputable purchased Rights and lawfull Jurisdictions the which we must and will maintain, and not part with any part thereof without their leave. You seem to conclude this subject with some daring Symptoms the more as it is abridged with the Emphaeses, Etcetra &c. We shall make no other reply on this then that we need apprehend no fear or difficulty but such as the Just, but also merciful God shall dispose of, by whom our Innocence and Just Right may be protected without any power or means. The Contract made at Hartford is manifest in itself, and beyond dispute. But as the Commissioners for the Massachusets, at that time claimed no Interest in settling the Limits between Us and the Colonies of New Haven and Connetticut, in the 20 miles before expressed, so they claimed no right power or authority on any Lands Creeks or Streams bordering on the North River, beyond the beforementioned 20 miles, which if they had done at that time,

these their troublesome and ungrounded pretentions would have been answered & the Controversy long since decided. We shall rest it here after our humble Salutations and having rec ommended you to the Divine Protection Right worthy Lords and well beloved neighbours, your affectionate friends and neighbours, Petrus Stuyvesant. Dated fort Amsterdam the 20 April An° 1660. To the Right worthy Lords and well beloved Neighbours the Lords of the General Court of Massachusets Colony residing at Boston.

In Book I fol: 287. *to* 290—"Notwithstanding the Indisputa-"ble Right of the Honour[l] preveleged W. I: Company to this "their province of New Netherland being as clear as the sun at "noon day being first discovered & planted by our nation & "strengthend with proper Forts & Garrissons, yet have our "English Neighbours (against our repeated protestations) vio-"lently usurped not only the Borders but into the very heart "of the West I: Companys Territories; To prevent the like In-"cursions for the future our Governor the Ho: Peter Stuyve-"sant went in person and met at the General meeting at Hart-"ford 1650 and concluded with their Committy a Treaty by "which the Limitts between the United Colonies of the English "and our Province provisional, which Treaty of provisional "Limitts is since rattified by their High: M: the States Gen-"eral. But some of our English Neighbours not regarding "those Solemn Tyes and Engagements have continued their "usurpation and in particuiar last year when the High Court "of Hartford Colony, having obtained their new Patent, have "not only made new pretentions on this our province of New "Netherland, but have actually challenged our Towns Heem-"stede, Flushing, Middelburgh, Rustdorp, and Gravesand, de-"manding of them to surrender to their Government, as ap-"pears by the Letters they sent to their Townships, and even "reduced Oostdorp, now West Chester to their obedience the "which unreasonable Anticipation of theirs we have from time "to time Remonstrated to the H: W: I: Company residing at "Amsterdam, and though we had requested our supperiors to "obtain Redress by his Brittish majesty so we have by their "Ho: advise of 16 April last little hopes to see this effected they "advising us to settle the Limitts here with our neighbours. "In order therefor to fix our Limitts it is resolved on and "thought expedient that how much the presence of our Gover-"nour is wonting herein, those perilous times, and troubles with "the Indians, yet once more to goe in person to meet them in

"their general meeting of the United Collonies at Boston this "year if possible to settle the long wisshed for peaceable Limitts "with their Commissioners, to which the Magistrates agreed "that How Little the Governor could be spared yet that he goe "on this important occasion. Dated fort Amsterdam 6 Septem[r] 1663. This Resolve signed by Petrus Stuyvesant, Miasius de Sielle, J[n] Beekman, O : Stevens, V : Cortland, J : L : V : der Graft, Jacob S bryker. After this Resolve there is a Letter in Eng lish wrote at Hartford by John Callecott and John Allyne directed to some English Town dated 24 August 1663. In substance that nothing is determined in their favour in this General Court, but will be done in their next the 2[d] Thursday in October, that they hear Stuyvesant is going to the Gen[l] Court to Boston but deart move nothing to their prejudice; and further animating them to sedition. On which the Consell meeting the same was taken into Consideration y[e] 26 September: "Resolved to send an Express to the Govern[r] at Boston of this "affair that he may the better lay those unlawfull proceedings "before their Generall Assembly, and have despatched an Ex- "press according[y]. See fo. 310. & 311. A Thretening Letter in English by Richard Panton to the Governm[t] Septem[r] 14, 1663 to release a prisoner of theirs, the English, else they will look on his detainment as a Breach of peace fo. 315 dated Middelburg. An English Letter wrote by the Councell, but no Suppersciption: Trusty and Well beloved friends, we are certainly informed and have found the same indeed that diverse persons driven with a spirit of mutiny, aiming at nothing but to fish in troubled waters to their own particular profit have undertaken to deceive and to seduce the trusty Inhabitants of this province and faithfull subjects of the High and Mighty States Generall of the United Provences and the Worshipfull prevel-edged West India Comp[y] endeavouring to excite and sturr them up to Sedition and mutiny with many and false Reasons and Inducements which practice of theirs not only directly crosses the articles of peace rattified between his Majesty of England and the forementioned Lords States General but also against the agreement of the Separation of Bounds, made and concluded at Hartford in New England with the United Colonies of New England, and although we are certain that you according to your obliged Duty and sworn oath will not give any eare much less Consentment to such troublesome Spirits, nevertheless by this present occasion we could not omit by these presents to require recommend and ordain that if it should chance that such mutines Spirits and troublesome persons should come into your Town for to molest and desquiet the good Inhabitants of the same and to draw them of from their duty

that you would presently take hold of them and send them heither upon the charges of the Worshipfull company or else to give us timely notice of their actings to the end that such persons might be seased upon by us that through that means the disquietnes and molestations which might issue thence might be hindred and prevented that the good Inhabitants might continue in quietnespeace and unity as they have done through Gods Blessings hitherto. In Confidence of which after hearty greeting and salutation we recommend you in Gods protection and remain your cordial & affectionate friends The Councel of New Netherland In New Amsterdam in New Netherland 26 Septem^{r} 1663. After this and the Governours return a Journey of Commissioners was appointed by Governour & Councel to treat with the Governm^{t} of Hartford at their Generall meeting, their originall Journal whereof is distinguished in the General Index, the few sheats BB. The Commissioners set out 15 Octob^{r} 1663 and by the 19 met in their assembly. The farther adventures of their proceedings here translated. On the 19th in the morning before the Assembly met we wated on y^{e} Hon. John Wintorp, desired him to use his endeavour to move all obstructions to their Commission, and promote Concord the which he promised: The Commissioners having already delivered their written Instruction the Governour and Councel insested on; so now insested to know of the Governour what the Court had determined. The Governour replied that the Court had committed some persons to treat with us, we could not find any more opening from the Governour, and the Assembly being met we being admitted offered our request in wrighting. To the Hon^{le} worthy Lord Govern^{r} & Councel committed for the Collony of Hartford: These few lines tends only to acknowlege with gratitude the Cevelety wherewith we have been received and treated as the kind Reception of our Credentials & the proposals of our Governm^{t} praying that we may have thereon your cathagorical answer, that we may know how to proceed. The which being delivered in we were told by the marshale Three persons were committed to treat with us, and would meet us in an hours time at the House of M^{r} Howard Miller about half way between our Lodgings and the Councel Room, desiring us to meet them, and met at the appointed time where the Committy after some stay met us the time being relapsed we were call^{d} to dine with the Court in the Councel Hall, the which we did, after dinner pressing that the Committy may not again delay their meeting, they promised and did meet us at the place appointed. Having every one taken his place, we produced our Commission, desired to see theirs, they produced Copy of their minits setting forth that Alleyn Sen^{r}, Capt.

Fall & John Allyne Junr were dully qualified to treat with us, adding that producing any farther Commission was needles as we ourselves had heard of the Court that they were appointed. We then desired their answer on our proposals made them, they asked, what they were, we said they were delivered them in writing as 1. to know iff they were determined to conform themselves to the advice of the three other Colonies being in substance that all matters and disputes about the Limitts should remain as it was settled and agreed on in the year 1650 until the next meeting of the Commissioners Aº 1664. 2dly Or that they appoint some persons to settle the Limitts now. 3d. orr if that wont do, that the settling of the Limitts and the whole dispute should be referred to their Superiorson both sides in Europe, and in the maine time, all matters of Dispute should remain as was formerly agreed to in the year 1650. Many debates were offerd pro and con on those points, and the afternoon was spent without bringing any matter to Conclusion. On the 1st they said they could not conform to our advice for Reason *first* that they had already annimated the English Towns on Long-Island that they were comprehended under the Right of the Kings Patent. *Secondly* that the greater part of them had freelysurrenderd themselves under their Government. *Thirdly* that they could nor might not denie them their protection least they incurr his Majestys displeasure whilst they were comprehended in their patent, adding that although settling of the Limitts were postponed to the next meeting of the Commissioners Aº 1664. they could not conform themselves to the advice of the Commissioners of other Colonies, but to the Kings patent, and iff the Commissioners should act repugnant thereto, theyd sooner seperate themselves from the other Colonies, saying they'd never allow any other limitts but what was fixt by his Majesty, and them that would make any alteration set themselves above his Majesty. All we aledged against this that his Majesties Intention was not to grant that which was already granted by others and in their lawfull possession, and such Construction could not be laid on their Patent. It availed not, they persisted in their ungrounded pretensions. On our 2d proposal they answered nothing to the purpose, only by Interrogation, iff the Director Generall was sufficiently Quallified by the Prince of Orange and the Lords States Generall, on which we answer'd in the affirmative, and the which they drop' and proceeded to our 3d proposal on which they answerd, to aggree that the Decision of our Limitts should be left to the Superiors in Europe provided the English Towns on Long Island and West Chester should provisional remain under the Government of Hartford. This being proposed Mr Allyne

Sen[r] ascerted that he surely knew the English Towns would no longer stand under the obedience of the Dutch Government. and issue would constrain them thereto they would use their all to defend them. That it was therefor best to avoid damage & blood shed to leave them Towns under Hartford Government till matters are at home decided. On which we replied that such would never be allowed, and if matters were so, we had no farther business here, and as to the Towns that they themselves were occasion of their Revolting having annimated them thereto by their own Messengers. They said they were in duty bound to acquaint them with his Majesties favours, we said they might do such to his Majesties Subjects, but not to the subjects of their High Mightinesses, and the Ho: W: I: Company, on which they replied they were subjects of his Majesty, seated on his Land under protection of his patent; We asked what they accounted the Treaty of Limitts for made 1650. They said for naught whilst his Majesty had now fixed their Limitts, and the other were only provisional, on which we vallued our selves on the Concurrance of the other Towns and Colonies. They replied they could make no alteration, least making themselves more then their King, and had nothing to do with the other Colonies in this affair. Having spent much time in this fruitless desputing and observing on all sides that whilst they sent their Missionaries, Mills, Van Coo, Pantom and others to West Chester & the English Towns on Long island to prompt them to sedition, and the Messengers from them Towns daily appearing in town we saw clearly they wonted to gain time; And said in plain terms that if those Townships would come under protection of their Government and craved their Assistance, that they must stand by them; This being by us considered, and with all if we departed without fixing some things the English Towns might be revolted before our Return; We to avoid all difficulty & prevent strife & effusion of Blood to make those ultimate proposals, viz[t]. That if they will faithfully keep and maintain the Treaties of Limitts 1650 until the Limitts shall be fixed by our Superiors in Europe, and not presume to take any of the English Towns standing under our Governm[t] in their protection nor under their Jurisdiction. We on our side would use no authority over West Chester during that time adding that if this our proposal be not accepted we and our principals having done all we could shall be clear before God & the World of the Consequences of those unlawfull proceedings of theirs. 20[th] October met. asked them if they'd answer on our proposals, after some frivelous exceptions that the English on Long Island would not stand under our obedience and if we should offer to compell them the spilling

of Blood was dreaded. They said absolutely, That the English Towns viz Oostdorp thats West Chester, Rustdorp & Heemstede should remain under their Government, the which iff We agreed to they'd proceed no farther but leave matters so to a farther meeting and provided we all this time should assume no authority over those Towns, but if we could not agree to this, they could not hinder the said Towns included in his Majesties patent to come under their protection and they'd deffend them. We said his Majesty had more discretion then to include the Lands and subjects of their High Mightinesses in his patent. That they prevented its meaning. The patent contained a piece of Land situate in America, in New England, and not in New Netherland, and that Gov: Wintrop declared us to take it in that light, and must be construed as the Boston Patent, where it expressly limitted "Provided these "Lands are not in possession of any prince or State." Now its known that Long Island hath many years been possessed by the subjects of their H: Mightinesses; and so the Goverm^{t} of Hartford could pretend no Jurisdiction over their Towns.

But all our argument avail'd not. Dining with the Governour & Court after dinner we complained that their Committee insisted on Impossibilities. Desiring that they would give us their answer on our delivered Message & on the kind and neighbourly proposals thereby made. The which they promised to do; it being Saturday afternoon no more business was done. 21^{d}. Supping with the Governor, His Hon. declared again that their patent could comprehend none of the Lands of the States General, we desired his Hon^{r} to give us such from under his hand, but excused himself, saying such was plain and evident by the patent itself, we said that the Committee construed its meaning quite otherwise, and iff his Ho: would give us his Construction in wrighting it might be usefull, but he persisted by his former excuse, and so parted. 22^{d}. We sent the Marshall for our written answer, but did not come. 23^{d}. Met the Committee, we demanded their written Answer on our proposals & written message. They said they were met to speak with us once more concerning the beforementioned Towns, the more as they had strove to persuade the chiefs of those Townships to remain quiet under our Government till matters should be farther determined but that could not prevail on them, and thus would be best for us not to assume that perrogative to avoid farther troubles. We answered that the Goverm^{t} of Hartford were the cause of this meeting. That the people of those Towns often had by their Missions had acknowlegd their submission to their High Mightinesses, but that had drawn them of from their fidelity, the which they

did not denie, but said it is now so; we'd like it well they would be still, but what can we do, they are included in our patent and crave our protection which we cannot denie them. Much was offered by us against this Conclusion, as that they were not comprehended in their patent, that such comprehended a piece of Land in New England and not in New Netherland. That His Ho: their Governour understood it so: They said their Governor was but a single man, We understand it thus and many more with us, and that our patent not only comprehends that binds Northward on Boston's Line, and Westward on the Sea, except it interferes with another Kings Patent. Asking them where then New Netherland was sittuated, answered in plain terms that they acknowleged no New Netherland, except we produce a Grant therefor from his majesty; We said we stood in need of no Grant from his Majesty. They said they'd agree with us iff we could produce any act or Grant from any prince or their H. Mightinesses where by such parcell of Land was granted us. We valued ourselves on the prevelege and the approbation of their H: Mightinesses on the provisional Treaty about the Limitts at Hartford 1650, they answered the Octroy or privelege was only a prevelege of Trade, and the recited Treaty of Limitts was but provisional &c. Iff you cannot (say they) produce a particular patent for that land it must belong to us; we said that that the Right of their H: M^{ts} was indisputable by their first discovery and settling this Country, they said they'd allow us our real possessions, But that we could not hinder them to take what was not possest by us. We alleged that possession of part must be taken for the whole, but in vain. They said we'd no right to hinder them from possessing those Lands not yet possest, included in their patent, as we could not produce a patent from any prince or state; after much more debates pro & con asked them what it was they insisted on since they had as yet made no answer on our reasonable proposals, the which they promised to do after dinner. Goeing to dine before we entered the Room young M^{r}. Allyn & Willis a magistrate show'd us some proposals in substance, That West Chester with all the Land to Stantford if by us abandoned, and we disclaim any Jurisdiction over the English Towns on Long island that they then would come to an agreement. But as those proposals was only a Rough Draught, We desird a fair Copy the which was promised us, after meal we insisted that they would be expedient to dispatch us having been here a long time which they promis'd, after some more discours, Those unreasonable proposals in English were brought. 1. That West chester, all the people and lands between that and Stantford shall belong to the Colony of Connetticut, till it

be otherwise issued. 2d. That Connetticut will forbear exercising any authority over the plantations of Heamstede, Jamacco, &c. until the Case be farther considered, provided the Dutch will forbeare to exercise any coercive power towards any of the English plantations on Long Island untill there be a determination of the Case. 3d It is also agreed that the issue of these Differences shall be by our mutual accord, or by a third person, or persons mutually Chosen by us or by our superiors in Europe, and that the Magistrates now in being on Long Island in those plantations, shall govern those said plantation untill there be an issue of these differences as aforesaid. 4 That all and every person on Long Island shall be wholly indemnified for all passages and Transactions respecting these affairs to this day. That we mutually advise all persons concerned both English and Dutch to cary it peaceably justly and friendly to each other. We having read the above proposals said they were unreasonable and unacceptable by us, and for us unanswerable to agree to. Desired them to desist from their Claim to the Towns on Long-Island sittuate in our Government, that we then would treat with them of the other points; but to no purpose, they continued we can not denie those Towns our protection and must defend them against all hostilities. We seeing no prospect of proceeding farther yet to avoid worse Consequences were resolved to fix something certain. We made these following proposals, also in English: Westchester with the Land and people to Stantford shall abide under this Government of Connetticut til the time that the Bounds & limitts between the abovesaid Colony and the Province of the New Netherlands shall be determined here by our mutual accord, or by persons mutually chosen, or by his Royall Majesty of England, and the High and Mighty States General of the United provinces. The Plantations of Middleburg, Rustdorp and Heamstede the which are said to revolt and to come under the Colony of Connetticut shall absolutely abide under the Government of New Netherlands till the above said determination, and that the Magistrates for the time being on Long Island in those plantations shall govern those said plantations under ye said Government until there be an Issue of these differances as aforesaid. That all and every person on Long Island shall be wholly indemnified for all passages and Transactions respecting these affairs to this day. That we mutually advise all persons concerned both English and Dutch to carry it peacable justly, and friendly to each other. That both parties in Difference namely Conetticut Colony and the Governour and Councell of New Netherlands shall be engaged to use their utmost endeavours to promote and accomplish the issuing of the above Differences. On our request

being admitted in Councell, the above proposals being given in and read, were answered by some, That our proposals avail'd nothing since the Towns above mentioned would not stand under our obedience; others that they knew of no province of New Netherland, but knew of a Dutch Governour over the Dutch plantations on Manhattans– that Long Island laid in their patent & they'd possess it and more such like discourse: On the 1st we answerd we were sure they'd stand under our Governm[t] if that of Hartford did not spurr them up to mutiny. On the 2d that in settling the provisional Limits 1650 they had acknowleged a province of New Netherland. We seing we did not prevail we desired that matters might remain as they are at present till nearer determined by his Majesty and the States Gener[l]. They said His Majesties Patent had fixt the Limits, iff we would not agree to their proposal nothing could be done, but if we would subscribe them they then would come to an agreement with us. We Judged such for us to be unanswerable, desired if they had any more to answer on our Message to be expedient we wonted to depart and to report our adventures to our Ho: Governour & Councel of New Netherland: Having required of them to take the matter in their serious Consideration to promote peace untill y[e] decision at home. The answerd theyd prepare a Letter for us. At evening went for our Letter, and took leave of the Govern[r] & Assembly still showing our discontent of our usage. The Letter was brought us by y[e] Secretary at Even[s]. Superscripton was: These for the Right Honourab[e] Peter Stuyvezand Direct[r] Gen[l] at the Manades; we told the Bearer being the Secrat[s] it should have been Direct[r] Gen[l] of New Netherland, he said it was in our Choice iff we would take it or not.

The 24, 25, & 26 were in our home Journey. Cornelis Van Ruyven, O Stevense Van Cortland, John Lawrense.

More in Book I. fo 381. 382.—"The Direct[r] Gener[l] the Councel "and Burger Masters of the City having maturely considered "on the unreasonable and arbitrary proceedings of the Englis[h] "at Hartford being by no means to be moved to abate from "their Insolent pretensions as appears by the Journalls so of "his Ho. the Governour in his adventures to Boston as that of "the Commissioners at Hartford; maintaining that the provi- "sional Treaty of Limitts a[o] 1650 at Hartford is void whilst "his majesty had settled their Limitts and thus West chester "and the English Towns on Long Island belong to their town "ship, the which have brought under their Subjection having

"about a 100 of them horse & foot in all y^e^ former mentioned "Towns called the Magistrates together, declaring that they "were English Subjects, and were to pay no Rates or Taxes to "the Dutch, suspended the old magistrates, and sworn new "ones in the administration –Our own Weakness, the yet con- "tinuing trouble with the Indians, and dreading the Total "Ruen of numbers of our farmers & iff we should take any "measures of Resistance made us desist, as having no order, "or promise of aid of the Ho. West India Comp^a^. We therefor "thought it best both for the Interest of the Company, as our "Distressed farmers, To answer on the proposals of the Gov- "ernm^t^ of Hartford, Iff by that means the total Desertion of s^d^ "Towns might be prevented, at least untell we have advice "from Home. Thus concluded fort Amsterdam the 15 Novem- "ber A^o^ 1663. P. Stuyvesend, Measurde Sille, J. L. V: der Grast, O: Stevense van Cortland.

The Letter was wrote in English as followeth:

Right Honorable Sir, and loving Neighbours—

Yours of $\frac{13}{23}$ October sent by our Intrusted agents I have received unto which I should have sooner returned an answer if my sickness had not hindered, the which is only the Cause that for the present I cannot answer unto the particulars, according unto our desires and your Expectation: Only I was in hopes that between you and our Deputies a favourable and comfortable issue answerable unto both our Superiors in Europe should have been obtained; But Conferring your Honours propositions, and our Intrusted Agents answer, we doubt not that by a nearer meeting either with the Right Honorable Commissioners of the United Collonies, or according to your Honour^s^ motion by our Superiors in Europe, either by a mutual accord by a third person or persons mutually chosen the Diffrence as yet may be ended. These may assure your Honours that we shall be ready to promote allways of peace and Friendship to that effect and shall attend all means for a happy Conclusion of all the Differences that are fallen out between us; and therefor untill that time we shall rest, and acquiese in what your Honor^d^ Committey, and our Agents had proposed, only that all things Justly and rightly may be understood, we being not so well acquainted with the propriety of the English phrases, especially with the Word Coercive Power, if thereby is understood any violent and Constraintive power, which we never have used over any English or Dutch, we rest and acquiese in your Honor^d^ proposals, to Witt, That West Chester by us called Oostdorp shall abide under Connetticut Colony until the Limitts shall be determined either by our Superiors in Europe, or by indifferent persons mutually chosen. Your Hon-

ours forbearing to exercise any authority over the plantations of Heamstede, Jamacco by us called Rustdorp, and others we shall forbear to use, or to exercise any Coercive power (it being understood as aforesaid) over them, untill there be a determination of the Case, and we are also according to your Hon^{s} motion content That the issue of these differences may be ordered by a mutual accord, or by a third person, or persons mutually chosen by us, or by our Superiors In Europe, and that the Magistrates now in being on Long Island shall continue, untill there be an issue made of the Differances We also absolutely condesend in the following propositions, and advice of your Hon^{rs} and our Agents. Your Honours seeing that we (beholding as you were pleased to do in the behalf of his Royall Majesty, his Interest and Claim, the Claim and Interest of our Superiors the High and mighty States Generall of the United Belgicq Provinces, and the Hon^{l} Lords Bewinthebbers our Lords & patroons) for peace sake and for to avoid further trouble and Bloodshead so fur have condescended in your proposals, we hope and doubt not your Honors according to their real Expression, will not countenance any Irregularity or actings nor give any Encouragement to seditious Spirits, but that you will endeavour to suppress such persons that shall act and do against these proposals, according unto your Hon^{d} farther advice All persons concerned both English and Dutch to carry it peaceably justly and friendly. We hitherto have attended and shall do so still untill a amicable comfortable for both nations, and before our Superiors an answerable issue may be attained and concluded, whereunto expecting your Honours favourable Constructions and answer I shall rest Your Honours loving friend & Neighbour. Amsterdam in the New Netherlands this 5 of November 1663.

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These foregoing recited Coppies & Translations is all that is found in the Books and papers in relation to the Eastern Boundaries of this Province - But find many omitions — The provincial Records before the year 1630, In which no doubt is contained the Indian purchase for Connetticut River, and the Land bordering on it, so often mentioned in debates of 1633. The Book BB ends with 2 Aug 1649, whereas a Letter from the Government of Boston to our Govern^{r} y^{e} 6d^{o} and our Governours answer 2 Septem^{r} following are with about 10 Leafs or more tore out of the Back of the Book. That for the year 1650 which Contains the renowned Treaty of Limitts with N: England so often brought in Evidence in our Disputes is also miss-

ing, as is those for 1651, 1652, & great part of 1653. The Book for the year 1659 is missing wherein a Letter from Boston Govern^t. to our Govern^r 7 Septem^r And our Governours answer y^e 27 October following both 1659, are no doubt contained: Neither is Governour Steyvezands Journal of his proceedings to treat w^th and meet the Great Court at Boston 1663, to be found.

At page 12 the words, saying theyd never allow any other Limits; at page 15 the words, on the provisional Treaty, & at page 17 the word directed are scored.

The aforesaid Corrections being made, I do certify the above to be a true Copy, compared with the Record by me

ROBT. HARPUR, *D. Secr^y*

DEED TO THE DUKE OF YORK.

Charles the Second by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c &c. To all to whom these presents shall come Greeting. Know Ye that We for divers good causes and Considerations us thereunto moving, have of our especial Grace, certain Knowledge and meer Motion, given and graunted, and by these presents for us our heirs and Successo^rs do give and grant unto our dearest Brother James Duke of Yorke his heirs and assigns all that part of the maine Land of New England begining at a certaine place called or known by the name of St. Croix next adjoyning to New Scotland in America, and from thence extending along the Sea Coast unto a certaine place called Petuaquine or Pemaquid, and so up the River thereof, to the furthest head of the same, as it tendeth Northwards, and extending from thence to the River of Kinebeque, and so upwards by the shortest Course to the River Canada Northwards; and all that Island or Islands commonly called by the several name or names of Matowacks or Long Island situate lying and being towards the West of Cape Cod, and the narrow Higansetts, abutting upon the maine land between the two Rivers there called or knowne by the severall names of Connecticutt and Hudsons River together also with the said River called Hudsons River, and all the Land from the West side of Connecticut River to the East side of Delaware Bay, and also all those severall Is-

lands called or knowne by the names of Martin Vineyard and Nantukes otherwise Nantuckett, together with all the Lands, Islands, Soyles, Rivers, Harbo^{rs}, Mines, Mineralls, Quarryes, Woods, Marshes, Waters, Lakes, Fishings, Hawking, Hunting, & Fowling and all other Royalties, Profits, Commodites, and Hereditam^{ts} to the said severall Islands, Lands and Premisses belonging and appertaining wth their and every of their appurtenances, and all our Estate, Right, Title, Interest, Benefit, Advantage, Claime and Demand, of, in, or to the said Lands and p^{re}misses or any part or parcell thereof; and the Revercon and Revercons, Remainder & Remainder^{rs} together with the yearly and other the Rents, Revenues and Proffitts of all and singular the said p^{re}misses and of every part and parcell thereof: To have and to hold all and singular the said Lands, Islands Hereditaments and premisses with their and every of their appurtences hereby given and granted, or herein before mentioned to bee given and granted unto Our said dearest Brother James Duke of Yorke, his Heires and Assignes for ever, to the only proper use and Behoof of the said James Duke of Yorke his heirs and Assignes for ever to bee holden of us our heirs and Succesſo^{rs} as of our mannor of East Greenwich in our County of Kent, in free and Common Soccage and not in Capite or by Knight Service, Yeilding and Rendring, and the said James Duke of Yorke doth for himselfe his Heirs and Assignes covenant and promise to yield and render unto us our Heirs and Succeſo^{rs}, of and for the same yearly and every year Forty Beaver Skins, when they shall bee demanded, or within Nynety days after: And we do Further of our especiall Grace certain Knowledge and meer Motion for us our Heirs and Succeſſo^{rs} give and graunt unto our said dearest Brother, James Duke of Yorke his Heirs, Deputyes, Agents, Commission^{rs} and assigne by these p^{re}sents full and absolute power and authority to correct, punish, pardon, govern, and Rule all such the Subjects of us our Heirs and Successor^{rs} as shall from time to time adventure themselves into any the parts or places aforesaid or that shall or do at any time hereafter inhabit within the same, according to such Laws, orders, ordinances, Direccons and Instruccons as by our said dearest Brother or his Assigns shall bee established; and in defect thereof in Cases of necessity according to the good Direccons of his Deputyes, Commission^{rs}, officers or assignes respectively as well in all Cases and matters Capitall and Criminall, as civill both Marine and others, so alwayes as the said Statutes, Ordinances and proceedings be not contrary to, but as neare as conveniently may bee agreeable to the Lawes, Statutes and Governm^{t} of this our Realm of England; And saving and reserving to us our Heirs and Succeſſo^{rs},

the receiving, hearing and determining of the appeal and appeals of all or any Pson or Psons of in or belonging to the Territoryes or Islands aforesaid in or touching any Judgm^t or Sentence to bee there made or given; and further that it shall and may bee lawfull to and for our said dearest Brother his Heirs and assignes by these Presents from time to time, to nominate, make, constitute, ordaine and confirme by such name or names, Stile or Stiles, as to him or them shall seem good; and likewise to revoke, discharge, change and alter, as well all and singular Govern^rs, officers, and Ministers which hereafter shall bee by him or them thought fit and needful to be made or used within the aforesaid parts and Islands: And also to make, ordaine and establish all manner of Orders, Laws, Direccons, Instructions, Forms and Ceremonies of Govern^mt and magistracy fit and necessary for and concerning the Govern^mt of the Territoryes & Islands aforesaid, so always as the same be not contrary to the Lawes and Statutes of this our Realme of England, but as near as may be agreeable thereunto, and the same at all times hereafter to put in Execucon or abrogate revoke or change not onely within the Peincts of the said Territoryes or Islands but also upon the Seas in going and coming to and from the same, as he or they in their good discretions shall think to be fittest for the good of the Adventurers and Inhabitants; and wee do further of our especial Grace certain Knowledge and meer motion, Graunt, Ordaine and declare that such Gouvnors Officers and ministers as from time to time shall bee authorized and appointed in manner and Forme aforesaid, shall and may have full power and authority to use and exercise Marshall Law in Cases of Rebellion, Insurreccon, and meeting in as large and ample manner as our Lieu^ts in our Countyes within our Realme of England have or ought to have by force of their Commission of Lieutenancy or any law or Statute of this our Realme; And we do further by these presents for us our Heirs and Successors, graunt unto our said dearest Brother James Duke of Yorke his Heirs & Assignes that it shall and may be lawfull to and for the said James Duke of Yorke his Heires and Assignes in his or their discrecons from time to time to admit such and so many Pson and Psons to trade & traffick into and w^thin the Territoryes and Islands aforesaid and into every or any part and parcell thereof; and to have possess and enjoy any Lands or Hereditam^ts in the Ptes and places aforesaid, as they shall think fit according to the Lawes, orders, Constitutions and ordinances by our said Brother his Heirs. Deputyes, Com^rs, and Assignes from time to time to bee made and established by vertue of and according to the true Intent and meaning of these Psents, and under such Condicons, Reservacons

and agreem^ts as our said Brother his Heires and Assignes shall set downe, order direct and appoint, and not otherwise as aforesaid: And wee do further of our especial Grace certaine Knowledge & meer Motion for us our Heirs and Successors give and graunt to our said dear Brother his Heirs and Assigns by these presents, that it shall and may bee lawfull to and for him, them or any of them, at all and every time and times hereafter, out of any of our Realmes or Dominions whatsoever to take, lead, carry, and transport in and into their voyages, for and towards the Plantacon of our Territoryes and Islands all such and so many of our loveing Subjects, or any other Strangers being not prohibited or under restraint, that will become our loving Subjects, and live under our allegiance as shall willingly accompany them in the said Voyages, together with all such Cloathing, Implem^ts Furniture & other things usually transported, and not prohibited, as shall be necessary for the Inhabitants of the said Islands and Territoryes and for their Use and defence thereof, and manageing and carrying on the Trade w^th the people there, and in passing and returning to and fro; Yeilding and paying to us our Heirs and Success^rs the Customes and dutyes thereof due and payable according to the Lawes and Customes of this our Realme: And wee do also for us our heirs and Successors graunt to our said dearest Brother James Duke of Yorke his Heirs and Assignes and to all and every such Govern^r or Govern^ts or other officers or ministers as by our said Brother his Heirs or Assignes shall be appointed, to have power and authority of Governm^t and Command in, or over, the Inhabitants of the said Territoryes or Islands, That they and every of them shall and lawfully may from time to time, and at all times hereafter for ever for their several defence & safety encounter repulse repell & resist by force of armes (as well by Sea as by Land) and all wayes and meanes whatsoever, all such Pson and Psons as without the Speciall Licence of our said dear Brother his Heirs or Assignes shall attempt to inhabit w^thin the severall Peincts and Limitts of our said Territoryes and Islands; and also all and every such Pson and Psons whatsoever as shall enterprize or attempt at any time hereafter the Destruccon, Invasion, Detrim^t, or annoyance, to the parts places or Islands aforesaid or any part thereof; And lastly our Will and Pleasure is, and we do hereby declare & graunt, That these our L'res Patents, or the Enrolm^t thereof shall be good and effectuál in the Law, to all Intents and purposes whatsoever, not w^thstanding the not reciting or menconing of the premisses or any part thereof, or the meets or Bounds thereof, or of any former or other Lres patents or Graunts heretofore made or graunted of the premisses or of any part thereof, by us, or any

of our Progenitors, unto any other person or Psons whatsoever, Bodyes Politick or corporate, or any act Law or other Restraint incertainty or imperfeccon whatsoever to the Contrary in any wise notwithstanding: Although expresse mencon of the true yearly value or Certainty of the Pmisses, or of any of them, or of any other Guifts or Graunts by us, or by any of our Progenitors or Predecessors heretofore made to the said James Duke of Yorke, in these Psents, is not made; or any statute, act, ordinance, Provision, Proclamation or Restriccon heretofore had, made enacted ordayned or provided, or any other matter, cause or thing whatsoever to the Contrary thereof in any wise notwthstanding. In Witness whereof wee have caused these our Letters to be made patents, Witness our selfe at Westminster the twelveth day of March in Sixteenth year of our Reigne. By the King, HOWARD.

True Copy compared with the Record by me

ROBT. HARPUR, *D. Secr'y.*

THE NEW YORK INDIAN DEED OF 1726.

To all People to whom this present Instrument of writing shall come:

Whereas the Sachims of the five Nations Did on the 19th day of July one thousand seven hundred & one in a Conferrance held at Albany Between John Nanfan Esqr late Lieutenant Governor of the province of New York give and render up all their Land where the Beaver hunting is which they won with the Sword then Eighty years ago to Coorachkoo our great King praying that he might be their protector and defender there for which they desired that their Secretary might then draw an Instrument for them to sign and seal that it might be carried to the King as by the minutes thereof now in the Custody of the Secretary for Indian affairs at Albany may more fully and at large appear We Kanakarighton & Thanintsaronwee Sinneke Sachims, Ottsoghkoree, Dekanisoree and Aenjeweeratt Cayougo Sachims, Kachjakadorodow and Sadegeenaghtie Onnondago Sachims of our own accord free and voluntary Will, Do hereby ratify confirm submit and grant and by these present do (for ourselves our heirs and successors and in behalf of the whole nations of Sinnekes, Cayouges, and Onnondaages) Ratify & Confirm submit and grant unto our

most Sovereign Lord George by the Grace of God King of Great Britain France and Ireland Defender of the Faith &c his Heirs and Successors for ever all the said Land and Beaver hunting to be protected and defended by his said majesty his heirs and Successors to and for the use of us our Heirs and Successors, and the said three nations and we do also of our own accord free and voluntary Will give. render, submit, and grant and by these presents do for ourselves our Heirs and Successors give render submit and grant unto our said Sovereign Lord King George his Heirs and Successors for ever all that Land lying and being sixty miles distance taken directly from the water into the Country Beginning from a Creek called Canahoque on the Lake Oswego all along the said Lake and all along the narrow passage from the said Lake to the falls of Oniagara called Canaquaraghe and all along the River of Oniagara and all along the Lake Cataraekquis to the Creek called Sodorus, belonging to the Sennekes and from Sodorus to the hill called Tegerhunkseroda belonging to the Cayouges and from Tegerhunekseroda to the Creek called Cayhunghage belonging to the Onnondages all the said Land being of the breadth of sixty English miles as aforesad all the Way from the aforesaid Lakes or Rivers directly into the Country and thereby including all the Castles of the aforesaid three nations with all the Rivers Creeks and Lakes within the said Limits to be protected and defended by his said Majesty his Heirs and Successors for ever to and for our Use our Heirs and Successors and the said three nations. In Testimony whereof we have hereunto set our marks and affixed our Seals in the City of Albany this fourteenth day of September in the thirteenth year of his majesties Reign Anno Domini 1726.

The mark of Kanakarighton a Sachim of the Sinnekes.
The mark of Kachjakadorodow a Sachem of the Onnondages.
The mark of Sadegeenaghtie, a Sachem of Onnondages.
The mark of Ottsoghkoree a Sachem of the Cayouges.
The mark of Thanintsaronwee a Sachem of the Sinnekes.
The mark of Dekanisoree a Sachem of the Cayouges.
The mark of Aenjeweeratt a Sachem of the Cayouges.

Signed Sealed and Delivered in presence of us Philip Livingston, Peter Van brugh, Myndert Schuyler, Lourence Clausen.

True Copy compared with the Record by me

ROBT. HARPUR, *D. Secr^y.*

THE ACTION OF THE CONNECTICUT ASSEMBLY, 1683.

The General Assembly of the Colony of Connecticut at Hartford the thirteenth day of November in the year of our Lord 1683 did appoint and instruct Robert Treat Esq^r &c to treat with Thomas Dongan Esq^r Governor of the Province of New York concerning the Line between the said Province and the Colony of Connecticut in the words following to wit^{it}: a General Court held at Hartford November 14^th 1683 by special order of the Governor, The Court being met the Governor informed the Court that he thought it might be necessary seeing Colonel Dongan was entered into the Government of New York that some Gentle men might beappointed to congratulate his safe arrival and entrance into the Government of his Royal Highness his Territories in those parts as also there seemed to be a dissatisfaction taken by the Honourable Colonel Dongan about the settlement of the Line between his majesty's Colony of Connecticut and his Royal Highness's Colony of New York made by his majestys Honourable Commissioners, & desired the Court to consider the same and give their advice what was to be done. The Court having considered the Premisses declared by their unanimous vote that they judged it convenient that a Committee be chosen and impowered by this Court to attend the premises as soon as may be according to such Commission and Instructions as they shall receive from this Court. This Court made Choice of the Governor, Major Nathan Gold. Capt. John Allyn and M^r William Pitkin to attend the Service aforesaid. To the Honour'd Robert Treat Esq^r Governor. Major Nathan Gold. Capt John Allyn Esq^rs Assistants and M^r William Pitkin Gentleman—The General Assembly of his Majesty's Colony of Connecticut at their present Session the 14^th day of November 1683 do hereby nominate commissionate and fully impower as also desire you to take your first oppertunity to travel to the City of New York where you are to visit the Honourable Thomas Dongan Esq^r Governor of His Royal Highness the Duke of York his Territories in America and to congratulate his Honours safe arrival to New England and his Highness Territories and to manifest to him this Courts gratefull Resentment of Honours professions by his Letters of his desire to be in good ammity with us and to assure his Honour that we shall study and endeavour as we may by any good ways & means to shew our-

selves as amicable and serviceable to his Royal Highness and his Honour as we are capable of and to that end we shall endeavour to remove all obstructions and do what is in our Compass to settle and maintain a Good and neighbourly Correspondence with him for our mutual advantages. And also whereas His Honour hath been pleased in his Letters to signify to us that he is not satisfied with the former stated Bounds between this Colony and His Royal Highnesses Territories and hath moved for a Treaty and Settlement of what is or may be matter of Differance between His Highnesses Claims and ours. In that Respect you or any three of you are hereby fully commissionated and impowered to treat with His Honour there about or such as he shall please to appoint and if you shall see just Reason to vary any thing from the former Settlement of the Bounds between his Royal Highnesses Territories and his Majesty's Colony by his Majesty's Commissioners thereunto by his Majesty especially appointed and a Committee from this Colony farther towards the East than was agreed on and hath been since approved by his Majesty you have hereby full power and authority to do and agree therein with the said Governor Dongan or those he shall appoint for a final Issue and settlement according to your best Judgment. Provided that his Majesty and his Royal Highness approve of and confirm the same Instructions. For the Honoured Robert Treat Esquire Governor, the Worshipful Major Nathan Gold and Captain John Allyn Assistants and Mr William Pitkin Gentlemen You are to take by order of this Court our Commission given to yourselves to congratulate the Honorable Collo Thomas Dongan Esqrs Governor of His Highness the Duke of Yorks Territories his safe arrival into these parts and to treat with him as therein mentioned as also and attested Copy of the former settlement of our Westward Bounds by his Majesty's Commissioners with a Copy of Collo Nichols Commission impowering him and the other with him thereunto and of the Commissioners of our Committee that concluded with them as also of His Majesty's Gracious Letter wherein the same was confirmed with what other papers you may think necessary and as soon as God gives you oppertunity to go to New York and there to visit the Honourable Governor Thomas Dongan and to salute and congratulate him according to your Commission which you may shew him and deliver him a Copy of it if you see cause—2d As to your treating and concluding with him about settling the Bounds between that Territory and this Colony you shall not exceed his demands of Twenty Miles Eastward from Hudsons River but get him to take up with as little as may be &c. 3d You are to see his power to treat and conclude or if that ap-

pear not to your satisfaction then you must treat and conclude conditionally and with this proviso that his Majesty and the Dukes Highness shall please to ratify it. 4th As to the Rise of our Liue at Mamaroneck you are to declare there could be no mistake between the Commissioners about that and therefore endeavour to hold that Bound. 5th If you grant any parts of the Land within any of the Townships of this Colony you are to endeavour to reserve those Lands to the Towns propriety Tho' as to Jurisdictions they belong to his Highness. 6th You are to endeavour that the former Line concluded on in all places shall take place unless it be where it is nearer Hudsons River than such a Distance as you can agree on. 7th You are to remember all along to make His Honour sensible how firm and legal the former Settlement was, and that our varying from it is to oblige his Honour and promote a perpetual good Correspondence between this his Majesty's Colony and his Royal Highnesses Territories and the Successive Governours of them both

True Copy compared with the Record by me.

ROBT. HARPUR, *D. Secr'y.*

A General Court held at Hartford May 8th 1684. This Court havinge heard the Agreement made by the Committee appointed by this Court November last about setlinge of Bounds betweene this Collonye & New York: thaye approved of what was done: and appointed Major Nathan Gold one of the Councell to attend the Searves wth Mr Jehue Burr and Capt Jonathan Selleck who are herebye commisonated to attende the searves of layeinge out the Line betweene the sayd province of New Yoark & Connecticott Colonye acordinge to the agreement made the Tweenty eaight of November 35th yeare of his Magts Reigne 1683: at Fort James in New York: & Mr Harriman Surveighor with such other Gentlemen as shall be appointed from New Yeork & thaye are to meet at Stamford on the first Wensdaye in Octobar next to attend the sayd Searvice: and in case any of those appointed by providence should be disenabled to attende the Searves: The Governour is heare by desired to putt & appoint some suitable person or persons to supplye and attend the searvice in the rome of him or them as shall be disenabled. Signed by order of the Govr and Genrall Court P John Allyen Secr. This is trew coppye of the originall comparred bye Jonat. Selleck, John Pell.

True Copy compared with the Record by me

ROBT. HARPUR, *D. Secr'y.*

THE NEW YORK INDIAN DEED OF 1675.

This Indenture made the three and twentith day of September in the twenty seventh yeare of the Reign of our Soveraigne Lord Charles the Second, by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c. and in the yeare of our Lord God one Thousand Six Hundred Seventy five Between Edmond Andros Esq^{r} Governor and Lieu^{t} under his Royall Highnesse James Duke of Yorke and Albany &c. of all his Territoryes in America; For and on the Behalf of his said Royall Highnesse, on the one part, and Mamarakickan, Aurickan, Sackoquewan, and Nanneckos, on the Behalf of themselves, as the true Sachems, Owners, and lawfull Indyan Proprietors of the Land herein metioned; and of all other Indyans any way concern'd therein on the other part witnesseth; That for and in consideration of a certaine sume of Wampome and divers other Goods which in the Schedule hereunto annext are expres't unto the said Sachems and Indyans in hand paid by the s^{d} Governor the receipt whereof they the said Sachems and Indyans do hereby acknowledge and to bee fully satisfyed and thereof and every part thereof do for themselves and all others concerned their Heirs and Successors and every of them heerby acquitt and discharge the said Governor and his Successors; Have given graunted, barganied, and sold; and by these presents do fully and absolutely give, graunt, bargain and sell, unto the said Edmond Andros for and on the Behalfe of his said Royall Highnesse afore mentioned; All that Tract of Land lying and being on the West Side of Delaware River beginning at a certain Creeke next to the cold Spring some what above Matinicom Island about Eight or nine Miles below the falls and as far above the said falls as the other is below them, or further that way as may be agreed upon to some remarkable place for the more certaine Bounds; As also all the Islands in Delaware River within the aforementioned Limitts both below and above the falls excepting onely one Island commonly known by the name of Peter Alricks Island; Together with all the Lands, Soyles, Meadows, fresh and Salt meadows, Pastures, Commons, Wood land, Marshes, Rivers, Rivoletts, Streames, Crekes, Waters, Lakes and whatsoever to the said Tract of Land alongst the River

and behinde into the Woods, or Islands is belonging, or any way appertainning, and all & singular other the premises and appurtenances and every part and parcel thereof without any Reservation of the Herbage or Trees or any other thing growing or being thereupon; To have and to hold the said Tract of Land, Islands and premises so bargained and sold as aforementioned, unto the said Edmond Andros Governor and his Successors for and on the behalf of his Royal Highness his Heirs & assigns, unto the proper use and behoof of his said Royal Highnesse his Heirs & assigns for ever. And the said Sachems and Indyans for themselves and all others concerned their Heirs & Successors do covenant to and with the said Governor and his Successors for and on the Behalfe afores[d], in manner and forme following, that is to say, That they the said Sachems now are the very true sole and lawfull Indyan Owners of the said Tract of Land Islands and all and singular the premisses as being derived to them by their Ancestors: And that now at the Ensealing and Delivery of these presents they are lawfully siezed thereof to the use of themselves their Heirs and Assigns for ever according to the use & Custome of the rest of the native Indyans of the Country. And further that the s[d] Tract of Land Islands and premisses now is and at the time of the Executing the said Estate to be made as afores[d] shall bee & from time to time and at all times hereafter shall and may stand remaine and continue unto the said Governor and his Successors to the Use of his Royal Highnesses as afores[d] freely and clearly discharged and acquitted from all and every former Bargaines Sales Gifts Graunts and Incumbrances whatsoever. And furthermore the s[d] Sachems for themselves and all others concerned, their heirs and Successors do Covenant, that the said Governor, his Successors and Assigns for and on the Behalfe of his Royall Highnesse as aforesaid shall and may from henceforth and for ever lawfully peaceably and quietly have hold possess and enjoy the premisses, and all the s[d] Tract of Land and Islands with the appurtenances without any lett, resistance disturbance or interruption of the said Sachems and Indyans, or any others concerned, their Heirs and Successors, and without any manner of lawfull lett hinderance molestation or interruption of any other person or persons whatsoever Clayming by from or under them or any of them; And it is likewise lastly covenanted and agreed, that the said Sachems and Indyans and the rest of the Indyans concerned shall give peaceable and quiett possession of the said Tract of Land Islands and Premisses, or some part thereof for the whole unto such person or persons as by the said Governor or his Successors shall be appointed to receive the same when soever it shall be

demanded. In Witnesse whereof the partyes to these present Indentures have Interchangeably sett to their Hands and seales the day and year first above written.

The marke of Sackoquenam.

The Marke of Mamarakicken a Sachem.

The marke of Auricktan a Sachem

The marke of Nanneckos.

The payment agreed upon for the purchase of the Tract of Land on the West side of Delaware River & the Islands in the said River near the Falls according to the Deed herewith given and convey'd this 23th day of September 1675 unto the Governor of these his Royall Highnesse Territoryes by the Indyan Sachems and Proprietors to the Use therein Specifyde, is as followeth viz^{t}. Sixty fathom of Wampom Six coates of Duffles, Six Blancketts, Six Coates of Douzens Six Shirts, Halfe an ancker of Powder, Forty Barrs of Lead, Six Guns, Six Kettles, Thirty axes, Fifty Knives, Two anckers of Rum, Fifty Looking Glasses, Fifty Combs, Thirty Howes, Twenty paire of Stockings, Ten paire of Shooes, One hundred Tobacco pipes, One pound of paint, One hundred Awles, One hundred Jewes Harpes.

Signed Sealed and delivered in the presence of William Osbourne, Luke Watson, Christopher Beresford, Hen: Clarke, Rudsych Shyplen, Gd^{s} Canhboll, Utzomes Lanwenr, John Collier, J Gampam, Matthias Nicolls, G Sylvester Thoslshton.

True Copy compared with the Record, by me

ROBT. HARPUR, *D. Secr^{t}y*

ARTICLES OF SURRENDER TO THE ENGLISH.

These Articles following were consented to by the Persons hereunder subscribed at the Governors Bowry August 27th Old stile, 1664.

Wee consent that y^{e} States Gen^{alls} or the West India Company shall freely enjoy all ffarmes and Houses (except such as are in the fforts) and that within six Monethes, they shall have free liberty, to transport all such Armes and Ammunition as now doe belong to them, or else they shall be paid for them.

All Publique Houses, shall continue for the use which now they are for.

All people shall still continue free Denizens and enjoy their Lands, Houses, Goods, Shipps, wheresoever they are within this Country and Dispose of them as they please.

If any Inhabitant have a minde to remove himselt he shall have a Yeare and Six weeks from this Day to remove himselfe, Wife, Children, Servants, Goods, and to dispose of his Lands here.

If any Officer of State or Publique Minister of State have a minde to go for England, they shall be transported fraught free in his Maj^ty ffriggotts, when these ffriggotts shall returne thither.

It is consented to that any people may freely come from the Netherlands, and plant in this Country, and that Dutch Vessells may freely come Hither and any of the Dutch may freely return home, or send any sort of Marchandize home in Vessells of their own Country.

All Shipps from the Netherlands or any other place and Goods therein shall be Received here and sent home after the manner w^ch formerly they were, before our coming hither for six Monethes next ensuing.

The Dutch here shall enjoy the Liberty of their Consciences in Devine Worship, and Church Descipline.

No Dutchman here or Dutch shipp here shall upon any occasion be prest to serve in Warr against any Nation whatsoever.

That the Townesmen of the Manhatoes shall not have any solders quartered upon them without being satisfied and paid for them by their Officers, and that at this present if the ffort be not capable of lodging all the Soldiers there the Burgomaster by his Officers shall appoint some homes capable to receive them.

The Dutch here shall Enjoy their own Customes concerning their Inheritances.

All publique Writings and Records w^ch conserne y^e Inheritances of any people or the reglem^t of the Church or poore or Orphans, shall be carefully kept by those in whose hands now they are, and such writings as particularly conserne y^e States Gen^all may at any time be sent to them.

No Judgm^t that hath passed any Judicature here shall be called in question but if any conceive that he hath not had Justice done him if he apply himselfe to the States Gen^all the other party shall be bound to Answer for his supposed injury.

If any Dutch living here shall at any time desire to traval or Traffique into England or any place or plantation in Obedience to his Maj^tie of England or w^th the Indians he shall have (upon his request to the Governor) a Certificate that he is a ffree Denezen of this place and liberty to doe soe.

If it doe appeare that there is a publique Engagem^{t} of Debt by the Towne of the Manhatoes, and away agreed on for the Satisfying of that Engagem^{t}. it is Agreed that the same way proposed shall goe on and that y^{e} Engagem^{t} shall be satisfied.

All inferior civil Officers and Magistrates shall continue as now they are (if they please) till the Customary time of New Eleccon, and then New ones to be chosen, by themselves provided that such new chosen Magistrates shall take the Oath of Allegiance to his Majesty of England before they enter upon their Office.

All differences of Contracts and Bargains made before this Day by any in this Country, shall be determined according to the manner of the Dutch.

If it do appeare that the West India Company of Amsterdam do really owe any sums of money To any persons here it is agreed that Recognicon and other dutyes payable by Shipps going for the Netherlands be continued for six Monthes longer.

The Officers Military and Soldiers shall March out with their Armes Drums beating and Colours flying and lighted Matches and if any of them will plant, they shall have 50 Acres of land set out for them, if any of them will serve any as Servants, they shall continue with all Safety and become free Denizens afterwards.

If at any time hereafter the King of Great Britaine and the States of the Netherland doe Agree that this place and Country be redilivered into the Hands of the said States whensoever his Maj^{es} will send his Commands to redeliver it, it shall immediately be done.

That the Towne of Manhatoes shall choose Deputyes and those Deputyes shall have free Voyces in all publique affairs as much as any other Deputyes.

Those who have any propertye in any Houses in the ffort of Aurania shall (if they please) slight the fortifications there, and then enjoy all their Houses as all people doe where there is no ffort.

If there be any Souldiers that will goe into Holland and if the Company of West India in Amsterdam or any private Psons here will Transport Them into Holand then they shall have a safe passport from Coll. Richard Nicolls Deputy Governor under his Royall Highnesse and the other Com^{rs} to defend the Ships that shall Transport such Souldiers and all the Goods in them from any Surprigall, as Acts of Hostility to be done by any of his Maj^{ies} Shipps or Subjects;

That the Copies of the Kings Grant to his Royall Highness and the Copie of his Royall Highness his Com^{m}isscon to Coll: Richard Nicholls testified by two Com^{mrs}. made and M^{r} Winthrop to be true Copies, shall be delivered to the Hon^{ble} M^{r}

Stuyvisant the present Governor, on Munday next by eight of y^e^ Clock in y^e^ morning at the old Milne, & these Articles consented to and Signed by Coll Richard Nicolls. Dep: Governo^r^ to his Royall Highness and that within two Hours after, the ffort and Towne called New Amsterdam upon the Isle of Manhatoes, shall be delivered into the Hands of the said Coll: Rich: Nicolls by the service of such as shall be by him thereunto deputed by his Hand and seale.

John Dedecher, Robert Carr, Nich: Vanleett, Geo Cartwright, Sam: Megapolensis, John Winthrop, Cornelies Steenwick, Sam: Willys, Olffe Stevenson Kortlant, Thomas Clarke, James Caussean, John Pinchon. I Doe consent to these Articles

RICHARD NICOLLS

The Governo^rs^ Gena^ell^ and Counsell of the New Netherlands make knowne by this, to prevent the effusion of blood, plunderings Murders, and for the good of the Inhabitants, we are moved by the Summons made by the Honor^ble^ Lord Richard Nicolls; Gen^all^ of his Maj^tie^ of England being Come with his Men of Warr and Soldiers before this Port, promising freely (by his owne proposition made) to redeliver the ffort and City of Amsterdam in New Netherlands, in Case the difference of the Limitts of the province be agreed upon betwixt his Maj^y^ of England and the High and Mighty States Gena^ll^ likewise upon other equall and Answerable Conditions to surrendeer and deliver, and have Committed and do committ by this; John D^r^ Decher Counsellor of State Cap Nicholas Vanleett Commissary Conserning matters of Trafflique Sam^ll^ Megapolensis Doctor of Physick, Cornelius Steenwick Burgomaster Oloffe Stevenswan Cortlandt old Burgomaster and James Caussean old sherriffe of this City, To agree w^th^ the aforesaid Lord Gen^all^ Richard Nicolls or his Deputyes upon further Articles by these open L^res^ promising that we will faithfully fullfill Whatsoever shall by our forewarned Com^rs^ conserning the businesses he promised and agreed upon. In testimony of this Its confirm^d^ by our Seale in the ffort of Amsterdam in New Netherlands the 5^th^ of September new stile 1664

P. STUYVESANT.

By his Order

CONELIUS VAN RUYVEN *Sec^r^*.

To all people Health, These are to Certifie that wee the Governor Gen^all^ and Counsell of the New Netherlands do consent to the Articles of the 6^th^ instant agreed upon by the Comm^rs^ appointed by us, Vizt, M^r^ John De Decher Counsellor Cap^n^ Nicholas Vanleet Commissary concerning matters of Traffique M^r^ Samuell Megapolensis Doctor of Physick M^r^ Cornel^s^ Steenwick Burgomaster Oloffe Stevens Van Kortlant old bur-

gomaster and Mr James Caussean Old Sheriffe of our parts And the Commissioners appointed by the Honble Colonell Richard Nicoll, Commander in Chief of his Maj. of England's ffriggotts and fforces now beseiging this Towne and Garrison, that is to say Sr Robt Carr Knt Geo: Cartwright John Winthrop, Sam: Willys, Thomas Clark, Jr, John Pinchon* on the other part and we have hereby Testified and Confirmed them, and do Acknowledge this to be our Act and Deed and shall do all things herein contained. Dated at the ffort of Amsterdam in New Nether-Septembr 8th 1664.

P. Stuyvesant.

I Certifie the same
Cornelius Van Ruyven *Secy.*

At page 36 the word publique, at page 37 the words and that at, at page 38 the word him, page 39 the word Amsterdam, at page 42 the word Businesses, and page 43, the words and shall do all things therein contained dated, are interlined. The above Corrections being made I do certify the aforegoing, included between the pages 36 and 43, to be a true Copy compared with the Record by me.

Robt. Harpur, *D. Secrty.*

ARTICLES OF AGREEMENT BETWEEN NEW YORK AND CONNECTICUT.

Articles of Agreement Concluded November the twenty eighth 1683 Between the Right Honorable Tho: Dongan Governor under his Rll Highs James Duke of York Albany &c of New York & its Dependencies, and the Councel, And Robert Trait Esqr Governor of Connecticut Major Nathan Gold Capt John Allen Secretary &c Mr William Pitkin in Commission with him.

It is agreed that the bounds mean or Dividend between his Royal Highness territories or province in America and the Colony of Connecticut forever hereafter shall begin at a certain brook or River calld Byram brook River which River is between the Towns of Rye & Greenwych that is to say at the mouth of the said Brook where it falleth into the sound at a point calld Lyons point which is the Eastward point of Byram River and from the said point to goe as the sd River runneth to the place where the Common road or wadeing place over the said River is, and from the said Road or wading place to go North North west into the Country so far as will be Eight English Miles from the aforsd Lyons point and that a Line of twelve Miles being measured from the said Lyons point according to the line or Generall course of the Sound Eastward where the

said twelve miles endeth another line shall be runn from the sound eight Miles into the Country North North West and also that a fourth line be run that is to say from the Northmost end of the line first mentioned unto the Northmost end of the Eight mile line being the third mentioned line which fourth line with the last mentioned line shall be the bounds which they shall fall to runn, and that from the Eastward end of the fourth mentioned line (which is to be twelve miles in length) a line parallell to Hudsons River in every place twenty Miles distant from Hudsons River shall be the bounds then between the said Territory or Province of New Yorke and the said Colony of Connecticut so far as Connecticut Colony doth extend Northwards that is to the South line of the Masschusets Colony.

Only it is provided that in Case the line from Byrams Brooks mouth North North-west eight Miles and the line that is known to runn twelve Miles to the end of the third forementioned line of Eight Miles do diminish or take away any land within twenty Miles of Hudsons River, that there so much is in land diminished of twenty miles from Hudsons River thereby shall be added out of Connecticut bounds unto the line aforementioned parallell to Hudsons River and twenty miles distant from it the addition to be made the whole length of the said parallell line and in such breadth as will make up quantity for quantity what shall be diminished as aforesaid.

That what Arrarages are due from the Town of Rye to the Colony of Connecticut for former Years and the present Years rate shall be paid to Connecticut.

That two Surveyors be appointed the one from New York and the other from Connecticut to make a Survey &c Run the beforementioned lines partitions Limitts &c bounds between His R^{l} Highs^{s} Province of New York and the Colony of Connecticut and the Surveyors are to meet at the Town of Standford on the first Wednesday of October next ensuing and to be directed by one of the Council and two More Commissionated from each Governm^{t}.

That if it shall please the Kings Maj^{s} and His Royall Highness to accept and Conform these Articles they shall be good to all intents for ever between his Royall Highness and his heirs & Assyness & the Corporation of Connecticut & their Successors. And this Agreement to be in full force power and Virtue from the Day of the Date hereof In Wittnesse whereof the parties abovementioned have to these presents Interchangibly set their Hands and Seals at ffort James in New Yorke the twenty eighth Day of November in the 35th Year of his Maj^{ties} Reign Annoq : Dom. 1683. —Rob^{t} Treat [seal] Nathan Gold [seal]

John Allyn [seal] William Pitkin [seal]. Syned Sealed & Delivered in the presence of John Spragg Secr^{y} Matthias Nicolls, Geo Brearton.

At page 44 the words and from the said Road or Wading place to go, and the word Miles, also at page 45 the Words which fourth Line with the first mentioned Line are interlined. The above Corrections being made, I do certify the aforegoing included between the pages 44 and 46 to be a true Copy compared with the Record by me.

ROBT. HARPUR, *D. Secr^{t}y.*

At A Council held at Fort William Henry the 18th of Jan^{ry} 169$\frac{3}{4}$

Present His Exc^{y} Ben: Fletcher

Fred: Philips Steph Cortland Nich Bayard Gab Monveille	Esqr	Chid Brooke Will Nicolls Will Pinhorne Caleb Heathcote	Esqr^{s}

His Exc^{y} did acquaint the Council that he had sent the forgoing day in writeing to the neighbouring Colonies for Assistance and though there is no Encouragement from Connecticut to expect any yet Counted it a duty to give them the intelligence and leave it their door.

At a Council held at Fort William Henry the 10th Day of August 1695

Present

His Exc^{y} Benjamin Fletcher, &c

Steph Cortland Nich Bayard Will^{m} Nicolls	Esqr^{s}	Peter Schuyler Caleb Heathcote	Esqr^{s}

His Exc^{y} did acquaint the Council that he had an account from Albany last night that the French were endeavouring with all the Force they can spare to resettle Cadaraqui and the Indians call for our assistance which is the reason of His Exc^{ys} calling the Councel Together this Day to hear their opinion.

It is the opinion of the Councel that as many forces as can be spared from the Companys upon the Frontiers be ordered to march towards the Assistance of the Indians so that the Garrison be not exposed to apparent Danger and that they must be supplyed with things necessary for such a March.

Resolved it is for his Mati^{ys} service that Maj^{r} Peter Schuyler

forthwith go to Albany and lead those men that are to be detached from his own and the other Company with such of the people of the Country as are willing to march unto the Castles of the Mohaques to show the Readynesse of this Government to their Assistance and acquaint the Indians the reason of their not coming sooner is want of earlier intelligence.

His Exc^y did likewise acquaint the Council he hath received a letter from Connecticut whereby they seem to deny the giving of any assistance to this Provance notwithstanding the Royal Commands they acknowledged to have received & his Exc^ys application to them and expect that if they send any men their Government shall defray their charge.

It is the opinion of the Council that his Exc^y do write to them once more and Give them account that their is Intellegence the French are endeavouring to Resettle Cadaraqui.

At a Council held at Fort William Henry the 2^d of December 1695

Present

His Ecellency Benjamin Fletcher &c

Steph Cortlandt
Nich Bayard
Caleb Heathcote
} Esqr^s

His Exc^y did acquaint the Council that he has rec^d intilligence from the Leut Govern^r of New England that there is a design against Albany by 1500 men from Canida. It is the opinion of the Council there is now no possibility of transporting men up the River from hence and they advise his Exc^y to make applicacon to Connecticutt for their quota to march forthwith to Albany it being possible for them to drive their provision along with them.

At a Councel held at Fort William Henry the 14^th of Decem^r 1695.

Present

His Excell^y Benjamin Fletcher &c

Fred Philips
Nich Bayard
} Esqr^s

William Pinhorn
Caleb Heathcote
} Esqr^s

His Excell^y did communicate the Answer of Govern^r Treate from Connecticutt whereby he promisith endeavours and disires assistance from this Province of provison & ammunicon for the quota. The Council are of opinion they ought to find

provision for their quota and that it can more easily be performed by them than from hence. That they have so often falsifyed it cannot be believed they intend us assistance. His Excell[y] did offer that notwithstanding the unreasonableness of their Demand he is willing to supply them with ammunition out the Kings stores.

———

At a Council held at His Maj[y] Fort in New York the 20[th] of Aprill 1696.

Present

His Excell[y] Ben. Fletcher &c

Steph Cortlandt, Nich Bayard } Esqr[s] — Will Pinhorn, Caleb Heathcote } Esqr[s]

His Excell[y] did communicate to the Council his letter to Connecticut wherein he desires them to contribute Sixty men for the recruiting the Companys at Albany for One Yeare promissing them Arms Amunition pay and £3 advance to each man which was approved.

———

At a Councel held at his Maj[s] Fort in New Yorke the 26[th] Day of May 1696.

Present

His Excell[y] Ben: Fletcher &

Fred Philips, Steph Cortlandt, Nich Bayard } Esqr[s] — Gab Monveille, John Laurence, Caleb Heathcote } Esqr[s]

His Excell[y] did communicate a letter from the Govern[r] & Gen[l] Assembly of Connecticut whereby they evade giving any complyance to his Excell[ys] last applicacon for Recruits.

The Councel are of opinion that nothing is to be expected from them but Shuffling & Evasions.

Ordered the Clerk of the Council do write an answer to it.

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At a Council held at the Council Chamber in the City of New Yorke the thirtieth day of June 1746.

Present

His Excellency the Hono[ble] George Clinton

M[r] Livingston, M[r] Kennedy — M[r] Courtlandt, M[r] Harmanden — M[r] Moore, M[r] Bayard

His Excellency communicated to the Board a Letter from Governor Laws of Connecticut Advising among other things, That he had proposed to the Assembly of his Government to bear a part of the Expence In hiring the Six Nations, Who

were of Opinion that was unreasonable to expect it from them as those Indians are in the Government of New Yorke and the Forces on the Expedition are to go by Water.

At page 48 the words be spared from the Companys upon the Frontiers be ordered to are interlined.

The above Correction being made I do certify the aforegoing included between the pages 47 and 52 to be a true Copy compared with the Record by me.

ROBT. HARPUR, *D. Secr'y.*

———

The People of the State of New York, by the Grace of God Free and Independent—To all to whom these presents shall come send Greeting: Know Ye that we having inspected certain records remaining in our Secretary's office of our said State do find there certain writings in the Words and Figures contained in the Book of Schedule hereunto annexed, from page 1 to page 52 (except the Certificates of Robert Harpur Esquire Deputy Secretary of our said State subscribed to the said papers respectively, and except also the Notes of Referrence in the margin designating the Books pages and files from which the said Copies were taken) All which we have caused to be exemplified by these presents. In Testimony Whereof we have caused these our Letters to be made Patent, and the Great Seal of our said State to be hereunto affixed. Witness our trusty and well beloved George Clinton Esquire Governor of our said State General and Commander in Chief of all the Militia and Admiral of the Navy of the Same At Poughkeepsie the Sixteenth day of October one thousand seven hundred and eighty two, and of our Independence the Seventh.

GEO: CLINTON

Passed the Secretary's Office October 16th 1782,

ROBT. HARPUR, *D. Secr'y.*

APPROVAL OF THE TREATY OF HARTFORD.

———

[L S] WEVERSDYCK.

Manifestation of the approbation of the herein Contained Treaty concluded at Hertford Touching the Limitts between New Netherlands and New England &c.

The States General of the United Netherlands, To all to whom these presence shall come or in any wise appear Greeting make known Whereas unto us was delivered for the Directors of the Pattented West India Company at the Chamber of Amsterdam the Extract out of the Articles of agreement made and Concluded at Hertford sittuate in Conetticot the nineteenth September 1650. As well Toutching the Partition of Limitts between New Netherland and New England as otherwise hereafter at large inserted.

Extract out of the Articles of Agreement made and concluded at Hertford situate in Conetticot the 19 September 1650 Between the Arbiters of the Hon^{bl} Commissioners of the United English Collonies and Petro Stuyvesand Director Gen or Governour of New Netherland.

Concerning the Partition or Setling the Limitts Between the United English Collonies and the Dutch Province of New Netherland we agree & conclude as follows:

That from the Westermost part of Oyster bay a Line be run in a direct Course to the Sea Shore, and that such shall be Partition Line of Limitts between the Dutch & English on Long Island, The Easterly part for the English and the Westerly part for the Dutch.

The Limitts on the Main shall take their Beginning on the West Side of Greenwhich Bay being about four miles from Stanford and so to run on a northerly Cours Twenty miles, Provided the s'^{d} Line doth not come within Ten miles to the North River, Conformable as it shall be fixed by the two Governours, that of the Dutch, and of New Haven. It is also aggreed that the Dutch shall not build any houses after this within six miles from those Limitts. The Inhabitants of Greenwhich to remain under the Dutch Government to farther order & Consideration.

That the Dutch shall hold and possess the Lands at Hertford now in their actual possession by several marks distinguished & Seperated from the other Lands, and all the other Lands on both sides of the fresh River to be and remain belonging to the English. It is also aggreed that the aforesaid partition of Limitts both on the Island and on the Main shall unmolested be punctually observed both by the English United Collonies and of the Dutch Nation untill such time the matter be settled & finally Concluded in Europe by mutual Consent of both parties, of the Powers of England & Holland.

As Concerning Fugitives.—It is aggreed that the same method subsisting or in Use between the English United Collonies and the Dutch nation in those parts of New Netherland according to the Eight article, then fixed, be duely observed—

Concerning the Proposal of a farther & more close Union and friendship between the English & the Dutch Nation in those parts especially against the Common Enemy, We deem it Material & need full to take such into serious Consideration by the United Collonies, and also that it may be strongly Recommended to them on their next annual Meeting of the Commissioners. And in Testimony of our United approbation of the Recited several Conclusions We have subscribed to these with our own Hands this Nineteenth September 1650. Under stood, Symon Broadstreet, Thomas Prence, Thomas Willet, George Baxter.

Thus it is that We on Matture Deliberation on the Articles & the Recited Extracts have approved and Rattified, as we do by these prescents approve and Rattifie the same, Require & order hereby farther That the Contents & form thereof shall be vallid, and by every one under our Obedience, who it may any wise concerne, be obeyed, and that they square their Conduct accordingly, without acting or Suffering to be acted Contrary thereto on pain of our Highest Displeasure as we deem such needfull for the Benefit of the Province. Given & Executed in the Hague under Great Seal, & Hand & Seal of our Secretary y^e^ 22 februa 1656.

After neatly Comparing these are found to aggree with of Proceedings in the Secretary Office of their High Mightinesses.

H. FAGEL.

True Copy of the Record, examined by me

ROBT. HARPUR, *D. Secr^y^.*

PATENT FOR THE WEST INDIA COMPANY.

[L S.] WEVERSDYCK.

Pattent for the West India Compagnie.

The States General of the United Netherlands, Too all to whom these Presents shall come, be seen, or heared to be read, Greeting, make known, that as we in the year 1621 for sundry Causes & Considerations us thereunto moving have found meet to Raise Erect & Form in our Dominions a Society called the West India Company in order thereby & with the Exclusion of others to cause Trade & Navigation to prevail on the Lands & Coasts of Affrica, from the Tropick of Cancer to Cape the

Good Hope, and the Lands of America or West India, beginning from the South End of New found land or Terre Nova through the Streights of Maggelanes and Lemaire, or other passages & streights thereabouts situated, to the Streights of Anjan so on the North as the South Seas, and all the Islands on the one or other side situated or between them also Reaching to the Southern Lands sittuate between the Two Meridians Reaching to the East Cape the Good Hope, And on the West the East End of Nova Guenea Included. We Grant by the Second Article of our Grant or Octrooy on the Third day of June 1621 under our Great Seal given to them and farther expressed that they the said may in our Name and authority within the Limetts aforesaid may make Contracts & Alliances with Princes & the Natives of the Lands therein Comprehended. Moreover to build fortresses & places of Security, Appoint Governours, People & officers of War & to execute Justice, to the maintaining & keeping good Decorum for their own safety & to keep a due Course of Government to promote Trade & Commers To nominate depose and again appoint others, and in particular that they promote Encrease & to people the Country in those Wild Deserts and the aforesaid Comp^{y} by Virtue of our sincere Intentions and by virtue of our Grant having began to settle in New Netherland on the Coasts of North America, notwithstanding some ill affected persons to our State & Comp^{y} have have wrongfully cast their Aspersions, as if we had only granted to the Comp^{y} Liberty to Trade only, and not also to people the Country, and to posses & inhabit the Lands for that End Disputing the Right of said Compagny.

Be it therefore Known unto all whom it may Concerne that our Intention in the above Recited Grant, and Real meaning was no other, nor is yet but that the said Compagny Conformable thereto and by virtue thereof is Impowered & has a Right to plant Collonies and to people the Country on all such Lands as are not occupied by others, as far as the Limetts above Recited Extend, and particular that they reserve to themselves (by vertue of the before Recited Grant and by Discovering & occupying the Fresh River and other parts more Easterly on in New Netherland situate & extending to Cape Cod, and from Cape Henloopen, and fifteen miles more South) a Right to settle as it is provisionaly Limmetted between the King of Great Brittain and us, to adjust as above, by virtue of our Grant Their Limetts conformable the Provisional Treaty of Limetts between the two powers in the year 1650, fixed in America, Approved & Rattified by us 22 february 1656, In manner following: that is on the Main from the West side of Greenwhich bay being about four Miles from Stanfort, and thus to

run into the Land on a Northerly Course Twenty miles, Provided such Line does not come within Ten Miles from the North River. And farther on Long Island from the Westermost part of Oyster Bay on a direct South Line to the Sea. Remaining provisional & Conformable to Treaty aforesaid the Eastren part of the said Island for the English, and the Westermost for the Dutch, to the West India Comp^{y} before mentioned, And the Inhabitants of those parts of New Netherlands. Wherefore we require & desire all Emperours, Kings, Republicks, Princes, & Governours friends & allies of this State or Regency, or those that observe a Neuteralety with them That they may not interrupt the abovementioned Comp^{y} but leave them at Quiet & unmolested in their peaceable possession, they will lay us under obligation to Retaliate the same to their Neighbours: Hereby charging & expressly Commanding all and every one in our Service and under our Laws & Government, particular the Inhabitants of the aforesaid Limetts, to behave & Regulate their Conduct percisely Conformable to this Treaty, without acting or suffer others to act Contrary thereto on forfeiture of our protection, and to merret our Just Indignation and to be punnished with severity as Disturbers of the Peace and Disobedient Members will be adequate to their Crimes—Dated in the Hague under our Great Seal Signed and Sealed by our Secretary on the 23 January 1664.

These neatly Compared aggrees with the Book of Acts & Proceedings Lodged in the Secretary Office of their High Mightinesses.

H. FAGEL.

True Copy of the Record, examined by me

ROBT. HARPUR, *D. Secr^{y}.*

The people of the State of New York, By the Grace of God, Free and Independent, To all to whom thesepresents shall come send Greeting. Know ye that we having inspected certain Records remaining in our Secretary's office of our said State do find there certain Writings in the Words and figures contained in the Book or Schedule hereunto annexed from page 1 to page 6 inclusive; (except the Certificates of Robert Harpur Esquire Deputy Secretary of our said State subscribed to me said papers respectively) all which we have caused to be Exemplified by these Presents: In testimony whereof we have Caused these our Letters to be made Patent and the Great Seal of our said State to be hereunto affixed: Witness our

Trusty and Wellbeloved George Clinton Esquire Governor of our said State General and Commander in Chief of all the Militia and Admiral of the Navy of the same: At Poughkeepsie the Seventh day of November in the Year of our Lord one thousand seven hundred and eighty two, and of our Independence the Seventh.

Passed the Secretary's office 7th Novemr 1782.

ROBT. HARPUR, *D. Secr'y.*

LETTERS

OF THE

PENNSYLVANIA CLAIMANTS

TO THE

STATE'S COMMISSIONERS.

LETTERS FROM THE PENNSYLVANIA CLAIMANTS.

Memorial of Joseph Wharton.

The Memorial and Representation of Joseph Wharton, of the City of Phladelphia, to the honorable William Irvine, Thomas Boude and Andrew Porter, Commissioners appointed by law, to adjust and ascertain the value of Lands in the Seventeen townships, in Luzerne County, belonging to Pennsylvania, setteth forth:

1st. That your Memorialist was one of the earliest purchasers of land, after the treaty at Fort Stanwix, on the North East and Easterly sides of the river Susquehanna, formerly in Northumberland County, and of other tracts which lay on a path leading from Wyoming to Onaquaga town, but now in Luzerne County.

2nd. That 12 of the said tracts are on the said river.

3d. That 10 of these 12 tracts were surveyed the 23 Septemr, 1773, In pursuance of Order dated the 23d April, 1769. One other tract the 23d September, 1773, Order of the 3d April, 1769, and that the 12th tract on the river was surveyed the 25th August, 1774, in pursuance of an order dated the 9th day of May, 1774.

4th. That the two other tracts situated on the creek Micheanga or Red Bank creek (but is laid down, I am told, in Reading Howells map to be Wappasining creek), and empty themselves into the Susquehanna, were surveyed the 15th and 16th days of August, 1774, on Warrants dated the 9th May, 1774, lying within the Seventeen Townships aforesaid.

5th. That 8 tracts are on a path leading from Wyoming to Onaquaga town in the names of Thomas, William, Solon, Isaac, Carpenter and James Wharton, and of Charles Jervas and John Shaw, Junr., and were all surveyed on or about the 18th or 19th of September, 1774, on Warrants dated the 9th May, 1774.

6th. That the whole of your memorialists Land in Luzerne County aforesaid, consisting of twenty-two tracts, were surveyed by Charles Stewart, Deputy Surveyor, and are herewith handed to you in regular Drafts taken from the Land office, and all of them distinctly and separately laid down on a Sheet

of paper with the dates of Surveys, respective Boundaries, and names of the adjoining proprietors, so that your Memorialist apprehends the descriptions are so clear, as to render the discovery of each tract eligible and pleasing to the Commissioners.

7th. That the two tracts in the names of Jac. Burkholder and Samuel Lefever, situate, the one about ½ mile above the mouth of Meshawping creek, and the other about 1½ mile above the mouth of said creek, are caveated, I have been told by Colonel Hartley, but I am assured by Mr. Hall and the other quondam officers of the Land office, that the Col's. Lands are on the other side of the river, and consequently that his claim cannot affect me. You will, however, be pleased to examine the two tracts and ascertain the value of them according to law, leaving the title hereafter to be decided by the Board of Property, *if this is the right mode of procedure.*

8th. That 19 tracts were patented by me in Mr. Reed's administration, and the remainder under Governor Mifflin, and that these as well as my Deed of Conveyance to the State of Pennsylvania are duly lodged in the proper office at Lancaster, observing, however, that my Conveyance was the 1st made to the State, under, and conformable, to the Wyoming Law.

I believe, Gentlemen, I have given every description necessary respecting the Situations and titles of my Lands. It remains for me to mention that my claim is evidently unquestionable, and from their being nearly the first which were located and surveyed after the Indian purchase at Fort Stanwix, the Lands must, in general, and on the Micheanga or Red Bank creek, be of the 1st quality; and hence I confide, will be entitled to the highest *legal* valuation (altho' to my sorrow * * * * inadequate to their worth after a 30 years villainous detention from me,) by your equitable allowance. I am aware of the industry and insinuations which the Connecticut people will make against the quality of the Soil, and their hope to have each tract divided and subdivided, so as to be able if possible, to reduce the valuat[n] *to their great benefit*, and *to my extreme injury*, but your knowledge of Land, your characters, and the sacred trust reposed in you by the State, dispel every fear and apprehension from their evil suggestions and machinations.

Whether the Eight tracts lying in the path leading from Wyoming to Onaquaga will fall within the limits of any or either of the 17 towns, I cannot tell. If they should not, and my presumption may not be too great, I shall hold it a singular favor in you to enquire their Quality and exact Situation with the probability of a Speedy sale, and at what price, and to honor me with your answer verbally or by Letter.

There is one thing more I am anxious to engage your attention upon and Compliance with, and that is that you will indulge me in proceeding to and estimating the Northernmost land in the 17 townships *first*.

My reason for this Solicitation is that I have repurchased the remainder of my Estate from certain obdurate Assignees, who are as flexible to ill as they are cruel by nature, and to these men I am constrained to pay Interest of at least £400 p^{t} Annum, until your honorable Board make your return into the office, and thereby enable me to discharge my Contract. There is no other Pennsylvanian in this unhappy predicament, nor any man whose misfortunes have been more calamitous, and whose deprivations of fortune has been so great, and for so many years so afflicting as mine, by these men, "if men they can be called." Therefore, I cast myself on your Justice and Kindness, and remain,

Gentlemen,

Your obedient, humble Servant,

JO. WHARTON.

Philad^{a}., Mar. 28, 1800.

Generals William Irvine, Thomas Boude and Col. Andrew Porter, Commissioners.

P. S. the Map of my Land is delivered to ——— ———.

———

Memorial of Isaac Wharton and Others.

To the Commissioners appointed in pursuance of the Act of Assembly, entitled "An Act for offering compensation to the Penn ylvania Claimants of certain Lands, within the 17 townships, in the County of Luzerne, and for other purposes therein mentioned."

The Memorial of Isaac Wharton, Samuel Howell, Samuel Pleasants and Caleb Foulke, surviving Assignees of Joseph Wharton, Philadelphia, merchant, respectfully sheweth, That the said Joseph Wharton, on the third day of November, 1774, made a general assignment to your memorialists, together with Rees Meredith, Thomas Wharton and John Shaw, who are since deceased, of all and singular his Lands, tenements & hereditaments, in trust for the paym^{t} of his debts, among which were the following tracts of Land, viz: Three certain tracts or parcels of Land, situate near a path leading from Wioming to Annaquaga township, in the County of Northumberland, in the said State of Pennsylvania, one of them called "Wharton's Lake."

Beginning at a Maple tree, in a line of John Shee's Land, thence by the same and by lands of Benth, Shee, N. 45°, East

200 perches to a post, a corner of Charles Stewart's Land, thence by the said Charles Stewarts land N. 45° West 290 perches to a Maple, a corner of John Wharton's Land, South 45° W. 200 perches to a Beech, a corner of William Jones's Land, thence by the said William Jones's Land S. 45° East 290 perches to the place of beginning, containing 342 acres, besides the usual allowance of 6 per Cent. for roads, &c. One other of them adjoining lands, surveyed to Samuel Richards and others, Beginning at a Maple, in a line of vacant Land, thence by the same S. 45° East 180 perches to a Maple, the corner of Isaac Wharton's Land, thence by the said Isaac Wharton's Land and Lands of John Shaw, Jr., N. 45° E. 312 perches to an ash, in the line of William Jones's land, thence by the said William Jones's land and land of Judah Foulke N. 45° West 180 perches to a post, a corner of the said Samuel Richards Land, thence by the same S. 45° W. 312 perches to the place of Beginning, containing 331 acres and the usual allowance aforesaid, and the other of them adjoining land surveyed for John Wharton. Beginning at a Beech tree in a line (words here erased) * * * * Land, thence by the same N. 45° East 160 ps. to a post in the line * * * * (words here erased) * * * Land, thence by the same and Land of Thomas Wharton N. 45° W. 320 perches to a post in a line of Isaac Wharton's land and Land of * * * (words here erased) * * * S. 45° West 160 perchs to a Maple, thence S. 450 East 320 perches to the place of Beginning, containing 302 acres, besides the usual allowance of 6 per Cent. for roads, &c.; one other of them called "Constitutional right," containing 310 acres, and allowance of 6 per Cent. for roads, &c.; one other of them called "Wharton Farm," containing 280¾ As. & allow^ce aforesaid; One other of them called "Independence," containing 324 as., 31 p. & allowance aforesaid; One other of them called "Revolution," containing 322¼ and allowance aforesaid; One other of them called "Washington Farm," containing 336 As., 130 p. and allowance aforesaid; one of them called "Rochambeau," containing 317 acres and allowance aforesaid; One of them called "Congress," containing 302 acres and allowance aforesaid; One other of them called "Bancroft Hall," containing 286¾ as. and allowance aforesaid; One other of them called "Bromley Farm," containing 342 as. and allowance aforesaid; One other of them called "Great Meadows," containing 305¼ and allowance aforesaid; One other of them called "Luzerne Farm," containing 342 as. and allowance aforesaid; One other of them called "Westover," containing 253½ as. & allowance aforesaid; One other of them called "Bunker's hill," cont'g 263 acres and ¾ & allowance aforesaid; One other of them called "Whigs Delight," containing 301¾ as. & allowance afores^d; One other

of them called "Camden Place," containing 330 as. and allowance aforesaid; One other of them called "Financier," containing 318 acres and allowance aforesaid; One other of them called "Relief from Tyranny," containing 304 acres and allowance aforesaid; One other of them called "Royal Lewis," containing 319 acres and allowance aforesaid; One other of them called "Walpole Farm," containing 320¾ as. and allowance aforesaid; Which Lands your Memorialists believe & are apprized, fall within the purview and description of the Act of Assembly under which you are empowered to act.

That on the 19th day of August, 1796, your memorialists sold and conveyed the said Lands to the said Joseph Wharton in fee, taking from him a Mortgage to your Memorialists, dated the 19th day of August, 1796, for securing the payment £8,127, current money of Pennsylvania, being the amount of the purchase money, at the following periods, viz: £4,063.10 thereof on the 19th day of August, 1798, and £4,063.10 thereof on the 19th day of August, 1799.

That your Memorialists are informed that the said Joseph Wharton hath filed his claim, for the value of the said Lands, according to the provisions of the said Act, without the said mortgage due thereon.

Your Memorialists therefore respectfully request that a due consideration may be had of the premises, and unless they shall be otherwise satisfied, by the said Joseph Wharton, for the principal and interest due on the said mortgage, as aforesaid, that the Certificate which may be ultimately awarded in pursuance of the said Act of Assembly, may, to the Extent of the said Mortgage monies, be issued to and in the names of your Memorialists in trust, as aforesaid.

Sam[l] Howell,
Sam[l] Pleasants,
Caleb Foulke.

13[th], 7 M[o]., 1800.

Letter of Owen Foulke.

Philadelphia, August 1, 1800.

Gentlemen:

Enclosed is a memorial signed by the acting Assignees of Joseph Wharton, which they have requested me to forward to you. As those Lands have represented as of the first Quality, the Assignees would be glad to find that your opinion corresponds therewith.

Yours, &c.,
Owen Foulke.

W[m]. Irwine, Esq[r]., one of the Comm'rs, &c.

Letter of William Bingham.

Philadelphia, Sept^{r}. 24, 1800.

Gentlemen:

I had just purchased of Mr. Willing twenty-two tracts of Land, for which Warrants were taken out in the year 1774, in the County of Northumberland, now Luzerne; 12 of them were regularly returned into the Surveyor Gen^{ls}. Mr. Lukens, Deputy Surveyor, was killed whilst in the discharge of his duty in compleating the remainder. I have enclosed the copies of these 10 warrants to Mr. Sanbourne, Deputy Surveyor of the District, & have requested him, as soon as the Lands are surveyed, to furnish you with copies of the Returns, in order that you may have the means of forming an Estimation of the value of this property, which according to the State———This arrangement has been pointed out & recommended to me by the Secretary of the Land Office.

I shall deem myself essentially obliged to you, if you will pay attention to this object. If you should think proper to view these Lands in the course of the present Season, Mr. Sanbourne will procure a person who will accompany you and point them out.

I beg leave to mention that I only wish to be indulged in this request as far as may be consistent with the other arrangements you may have made, as well as duties you may have to perform.

I have the honor to be with respectful Consid^{n},

Gent.,

Your obedt. Hble Servant,

WILLIAM BINGHAM.

Gents Boude, Irvine and Porter, Commissioners of Pennsylvania, &c., &c.

———

Letter from Daniel Montgomery.

Danville, August 16, 1800.

Gentlemen:

Being entitled in three tracts of land in Huntingd^{n} township, Luzerne County, warranted in the name of John Pryor, Conrad Appleman and George Dudley, and conveyed to the State by Elias Boudinot, of the City of Philadelphia, and not knowing weather any steps farther would be necessary on my part to enable you to ascertain the ground or not, Therefore would be very much oblidged to you for a line of information by Mr. Hall or Mr. Levi. I remain with due respect,

Your most obedient and verry humble Servant,

DANIEL MONTGOMERY.

Gen^{ls} Irwine & Porter.

Letter from William Y. Burroughs.

Hudson, State New York, 30 Aug^{t}., 1800.

Gentlemen:

I herewith send you the numbers of several lots of land lying in the town of Athens, County Luzerne, which I hold under the Connecticut title, and which I submit to you, agreeable to the late Law of Pennsylvania.

I am not certain that I send you the numbers of all the lots I have in Athens, if not, it is my intention to do it. You will please to acknowledge the receipt of this, and let me know what more is required of me; if my presence is necessary, I will attend. John Shephard can point out to you all the Lands I claim in Athens. Lot No. 23, 4th Division, contains 100 acres, conveyed by J. Jenkins; Lots No. 21 and 22, 4th Division, also the 3^{d} Division, lot laid out to Colonel Nathan Denison, containing 100 acres. The three last mentioned lots were conveyed by Colonel John Franklin to Colonel McKinstry.

Lot No. 40, adjoining Northerly on the above lots, cont'g 100 acres; all the above lots lay adjoining Easterly on the Susquehanna river, Westerly on the road from Tioga point to Shephard's mills; the S. line being about a mile from the settlement at the point.

Lots No. 2 and 3, in the 4th Division, containing about 340 acres. One 4th Division lot drawn in the right of Zera Beach & Justus Gaylord. J. Shephard knows the number. Also lot No. 13, in the 4th Division, estimated at 190 acres. Lot No. 1 being 100 acres on the South line of the Farm now or late in the possession of Loomis, Drawn in the right of Daniel McDowle.

Also the 4th Division, lot drawn by McDowl, And generally all the land that I am entitled to in the town of Athens is submitted by

Your Obedt. Servant,

Wm. Y. Burroughs.

To Generals Irvine, Porter and Boude, Commissioners at Luzerne.

Letter from John Buyers.

Sunbury, Sep^{r} 10, 1800.

W. Irvine, Esq^{r}.,

Sir: Mr. Charles Hall of this place informed me that a title paper of mine for a tract of Land lying in the 17 townships, about 3 or 6 miles above Nescopeck, on the West side of the river, in the name of Joseph Wetheral, was got into your

hands; for that place I am a second hand purchaser; and was I to get all the Law alows for the 1st rate Land, it would not indemnify me; however, that can have no weight with you. I have not seen the Land this 20 Years, but is told that it is valuable and may be considered as belonging to the 1st class.

Should you, and the other Gentlemen conserned with you, think as some of the neighbours to said Land does, viz: that it is worth 12 or 15 Dollars per acre, then I should have the highest price for it that the Law will warrant you in allowing.

Even then it would turn out a poor speculation to me, for at the time I bought it I could had Land for the same price that I might get 16 Dollars per acre for before this time; it has a handsome front on the river of 208 perches, which makes it very valuable; to your Wisdom and integrity I rest the matter, not doubting but you will consider all Sircumstances and do substantial justice, as far as the law warrants you, which in my humble opinion is too limited; with all due respect,

I am, Sir,

Your very humble Servant,

Jn°. Buyers.

P. S.—Should my attendance be deemed absolutely necessary, I wd beg a line at the time you wd please to request.

J. B.

Letter from Col. Thomas Hartley.

York, Pennsylvania, Sepr 17, 1800.

Gentlemen:

The following is a copy of a letter sent by me to Mr. John Hall, when Secretary of the Land Office, on the subject of my claims in Luzerne County, which will explain the matter to the Commissioners:

"Yorktown, Pennsylvania, Augt 26, 1799.

"Dear Sir:

"I sent you two Deeds for granting and releasing to the Commonwealth and State of Pennsylvania all my right, Estate, Interest, & of and in and to 4 tracts, and a part of a tract of Land, situate on the waters of the N. East Branch of Susquehanna; the two first held under Warrants in the names of Thomas Smith and Peter Dehaven, which were conveyed by them to me and in which Deed there was a Caveat against granting a Certificate to Mr. Wharton & Co., or any other person but me, without 1st having a hearing before the Board of Property. The other Deed for two tracts, held under warrants in the names of James Thompson and Thomas Walker, and part of the tract

held under an order to Benjamin Luce, which were regularly transferred to me, and for which Patents were granted to me; to neither of these Deeds of Grant and release is there an affidavit annexed, and the last tho' executed before respectable witnesses, has not been acknowledged, because we had no associate Judge here. President Henry will be here at our Court next week. I must beg you to deliver those two Deeds or releases to Mr. Ralph Bowie; he will bring them over. I will have the necessary done, and will send them safe back to you immediately after the Court. The Submissions and other papers (except the two Conveyances or releases) may remain in your office. I beg again that the Conveyances may be sent by Mr. Bowie; they shall be most certainly returned to you. A note may be taken on this letter of the time of Delivery to Mr. Bowie. Excuse the trouble I give, as the business is of serious importance to me, and I am, with respect, your obedient Servant,

"THOMAS HARTLEY.

"John Hall, Esq^r., Secretary of the Land office of Pennsylvania."

As to Eight hundred and Eighty acres, in the names of James Thompson and Thomas Walker, and part of the tract in the name of Benjamin Luce, there can be no kind of dispute, and there are no doubt first quality lands. As to those in the names of Smith and Dehaven, my warrants are pointed; if you think proper to value them and return them in my favour, it is well, if not, I have Caveated in the office against my compensation being given to Mr. Wharton and Co., until the right is determined.

I have the strongest reliance on and Confidence in the Commissioners, and am,

with great respect,

their humble Servant,

THO^s. HARTLEY.

To Gen^l Thomas Boude, W^m. Irvine and Whelen, Esq^r.

Information from James Rose, Attorney of Patterson.

In answer to the queries put by the Commissioners for offering Compensation to the Pennsylvania Claimants of Lands within the 17 townships, the Administrators of Galbreath Patterson return the following Documents in support of their Claim:

1st Query by the Commr, Is the release of a Moiety of a tract of land in the name of Robert Wood the same with one claimed by Ewing and Wife?

Answer. The heirs of G. Patterson herewith produce a Deed Poll by Robert Wood to Stewart and Patterson for 300 as., but they have not at present the release from Stewart and Patterson, at least the release from Chas. Stewart does not sufficiently describe the tract alluded to by the Commissioners.

2d Query. There appears to have been an agreement between Mr. W. Patterson and John Cox, dated the 2 Janr, 1774, for taking up land in partnership of which Mr. Patterson was to have ⅓.

The tracts so taken up are in the names of John Vansant and others. Can you furnish the Comm'rs with any transcript or abstract of the agreement of Cox to this purpose?

Answer. The agreement is in the hands of the administrator, and is dated 20 Jan'y, 1774, by which it appears that Patterson was to have ⅓ of all the lands taken up under sd agreement, in the Names following, to-wit:

1. Anthony Snyder's Deed to Joseph Wharton, dated 1 April, 1777, for 200 acres; this is Conveyed by Joseph Wharton, 31 March, 1780, to William Patterson. 200 as.

2. Peter Kuntz's Deed to Matthias Slough, dated Nov. 5, 1771, for 300 as.; this is conveyed by M. Slough to William Patterson the same day. 300 as.

3. Jacob Witmer's Deed to Matthias Slough, 2 Mar., 1780, for 300 as.; this is conveyed by M. Slough to William Patterson, 31 Mar, 1780. 300 a.

3. Deed Poll by Anthony Morris, Junr., to Jos. Wharton, dated the 3d Oct., 1774, for 300 acres; this is conveyed to W. Patterson, by Deed dated 31 March, 1780. 300 a.

4. Deed by Peter Ney to Matthias Slough, dated 23d Nov., 1773, for 300 acres; this is also conveyed by Matthias Slough to W. Patterson, the 31 March, 1780. 300 a.

5. Deed by Jacob ——— to Matthias Slough, dated 26 March., 1780, for 279 acres; this is also conveyed by M. Slough to William Patterson the 31 March, 1780. 279 a.

6. Deed by John Millar to Matthias Slough, dated the 2d Novr., 1773, for 300 acres; this is also conveyed by W. Patterson, by Deed dated 31 March, 1780; in the reconveyance it contains 339½ acres. 339 a.

N. B.—The admrs have no office copies of these Surveys, but it is thought that they have been already lodged with the Comm'rs. The administrators cannot with certainty at present ascertain the Surveys in the names of William Smith, Thos. Smith; they, however, conceive that D. Smith had no right to return them.

These Copies shall be transmitted with all convenient speed to the Comm'rs.

Letter from Joseph Wharton.

Philad^{a}., May 28, 1801.

Sir: I am told there is a new appointment for completing the Wyoming Business, and that General Steele, Mr. Cooper, with another person, whose name I do not know, are the present Commissioners, and being deeply interested in the speedy and equitable conclusion of the valuation, I have to request the favor of you, to mention my name to the Comm'rs as a Citizen of some respectability, and one whose sufferings for our Independence has been singularly afflicting; for when I was in London, on my unhappy mercantile affairs, in 1778, I was compelled to abandon my lawsuit in Chancery, and fly to France for the preservation of my Life, because of the intelligence I constantly gave to our ministers there, which were partly interrupted and by which Secession, I lost that fortune that would otherwise have rendered me happy in my old age.

The reverse is now the case. Will you therefore be pleased to speak of me to those Gentlemen in the manner you deem proper.

My Lands on the river Susquehanna begin at Meshawpen creek, and terminate in the vicinity of Tioga. The rest are at a distance from it.

All my Surveys are delineated on one sheet of Paper, which, with a Letter, I wrote to the former Commissioners and delivered to Colonel Porter; and from him, or them, I hope the Commissioners will receive them. But if the Drafts and letter should be mislaid, I will, on information, forward by Post, copies of them to you. I beg you will continue your favours to me, and gratify me with an answer to this letter, and believe me, respectfully, Sir,

Your Ob't H'ble Serv't,

Jos. Wharton.

Tench Coxe, Esq^{r}.

Letter from Col. William Irvine.

Philadelphia, 25 June, 1801.

Gentlemen:

In answer to your note of the 16th Instant, I inform you that the Surveyors employed by the Commissioners in Luzerne last

year were paid three Dollars a Day, and the Chain carriers and ax men Six pounds ten shillings pr. month, Pennsylvania Currency.

I am, Gentlemen,
Your obedient Servant,
Wm. IRVINE.

Messrs. Cooper, Steele and Wilson.

Representation of Rosewell Welles.

June 27, 1801.

Gentlemen:

From a constant headache, with which I have been troubled for some days past, I have not been able to make an answer to your note of the 18th Instant earlier.

Upon reflection, as also from an examination of my notes preserved in every considerable cause decided while on the Bench, I find no Ejectment during that period ever was tried. From this circumstance my reply must consist very much in stating the opinions of the Court and the practice of Counsel on such of the questions by you enumerated, as took place antecedent to that time. In doing this, and following the order observed in your note, I have to remark: The Court in deciding questions of title, resting solely upon the Connecticut Claim, adhered to the rules of the Susquehª Company as nearly as they possibly could. In order to recover the land in controversy, they required Plaintiff to shew title out of the Company, and then one in himself by the rules of the Company. The Court never required the Deed from the natives to be produced, or the authority by which from the State Connecticut the Company made the purchase. If title could be shewed agreeably to those rules (as in all cases ever tried both Plaintiff and Defendant claimed under them), the court seemed willing always to sustain it, and made the Rules, &c., their only guide. In cases of parol, to supply written testimony, the Court embraced and took a very liberal ground. From their own knowledge, they were sensible that most of the Public Records, as well as private Documents of the people necessary to their claims, were destroyed in '78. However, they always, upon oath, required to be informed, as a Court, of the Fact, and then let in oral testimony, not interested in the Event of the Suit, to prove their contents. In all cases of lost papers, &c., destroyed Records, &c., Counsel usually regulated themselves by the common rules of Evidence.

To Enquiry 2nd.—No Proof of the Incorporation of the said

Company was never required, and aways dispensed with by the Court. The Copies of the Rules, &c., of the Company now in your possession, were uniformly admitted as evidence, and for this reason the originals were the property of the Company and not the Settlers, and, therefore, not within their contract.

To Enquiry 4th.—In the hands of Colonel John Franklin, of Tioga, are all the papers, votes and resolutions of the Company, from May, '74, down to this day. From him I should suppose a transcript may be had. But I do not know that any of these Votes, &c., can be regularly certified by the Clerk; for I hardly think the present Clerk was ever sworn into office.

To Enquiry 5th.—The votes and resolutions of the Committees of the Company, made at this time, are not considered as having any binding force upon the Inhabitants in the Seventeen townships. At an early period of the Settlement they had their *fullest* force upon the actual Settler, and, where they were of a general nature, had a like influence upon those who might afterwards become Settlers. The Committees were always appointed by the Company.

To Enquiry 6th.—Original rights, whether of Townships, or of Individuals, might be forfeited; but as applying to actual Settlers, a forfeiture of the former did not always imply a forfeiture of the latter. If there were any conditions in the grant of the Township, which were not complied within due time, the Committee might declare the town forfeited, but could not forfeit (by such order) the Rights of those who were at that time settled within the townships; but in the 17 townships I have known no forfeiture declared before the change of Jurisdiction, nor any condition of Settlement left uncomplied with, but What the intervention of the revolutionary War made impracticable to fulfill. I mean as it respects township rights of what are called proprietors townships. Nor do I know of any Individual Rights in those townships forfeited, by the Committee, for non compliance with the Regulations, &c., of the Company; but still, there may be instances.

To Enquiry 7th.—In the original Establishment of Township Boundaries, I do not feel myself very competent to answer. But as far as I could ever learn they were established by the Committee's approbation, certified in the original Survey itself. There never was a Record of Courses and Distances entered upon the Books. All that ever were rested on file was the Petition for a grant of the Township, containing only some words of general description of the place where the Grant went out (as to Description) in words as general. But this grant, I have been told by some of the Committee, was never made a matter of Record with them. The Survey, therefore,

thus certified by the Committee, was considered as the only Evidence of Boundaries, and was the only Voucher which could establish and ascertain them, and so it ever was considered by the Court. I know of no Authentic minutes of the Surveys. I believe none ever existed, and, therefore, not produceable. No case has occurred in which latterly Boundaries were disputed.

To Enquiry 8th.—No question has arisen bringing up lot Boundaries. All the cases ever decided title to, and not the Boundaries of the Lot, was the point contended. But in case *boundaries* had form'd any part of the dispute, we should have never been driven by the Court for certainty (I am persuaded) to anything further than measurement, conformably to the Survey first made. The original grant of the Town by Counsel was generally acceded to. With respect to oral testimony, in cases of prescriptive possession, and Surveys made within the knowledge of Witnesses, as I have before observed, it was uniformly admitted by the Court, Where it was made to appear on oath that the Docum'ts from which a claim might be deduced were not within the party's power.

To Enquiry 9th.—I never (in cases of lost Papers, &c.), knew the Court to let in oral testimony of their Contents upon mere suggestions. They always required to be informed of the fact of loss upon oath before oral testimony could be admitted; any neglect in not procuring written Evidence from the Grantors of such Rights as to which a claim was made, was never aided thro' suggestions, nor by the consent of counsel. As before remarked the regulations of the Company were made the only Star by which to steer; still, in the improvement of those Rules & Regulations, the best Evidence of them possible to be obtained was always required, and never dispens'd with, by Counsel or Court. However, *this best evidence* in some cases necessarily became remote, and, indeed, when the variety of misfortunes Which have attended this *ill-fated Country* are really consid^{d}, it would be difficult to suppose it otherwise. From the Descent of the Enemy in '78, one single engagement laid in the Dust most of the males capable of bearing arms. To this, in the course of the next and succeeding day, succeeded one general destruction of *houses, papers* and most of the *Public Records* by fire. Hence very little of satisfactory testimony would be given in several Instances. The Court found it necessary to be liberal in conducting the causes, and tho' many Decisions seemed to have been made upon proof somewhat remote in degree, yet I believe they were consentaneous to Justice. It is now nine years at the least since the last Ejectment in the Connecticut claim was tried. At that time I had

fresh in my mind every point settled, but at this distant hour I find it impossible to state them with any great degree of accuracy or *precition*. I am sorry that it is thus with me, but it must be an apo'logy for my Silence on some points and inexplicitness in others.

As to a system of Rules to be adopted with respect to claims resting upon Evidence, apparently defect^ve, I feel an incapacity to decide. From the little Experience I have had in looking into the claims of individuals, in times past, I am confident that such a task would be truly difficult. The circumst^ces & condit^ns as to proof, in which the sev^l claims are envolved, will not only be found perplexing but exc^dgly dissimilar in very many cases. From this consideration, I am led to believe, as you progress in the examination, rules, regulations, and directing your Enquiries to the kind of proof reasonable to be admitted. will ——— themselves much more satisfactorily than any to which I may advise.

I am Gentlemen,
With Due respect,
Yours,
ROSEWELL WELLES.

Thomas Cooper, John Steele and William Wilson, Esq^rs.

———

Letter from Elias Boudinot.

[*June*, 1801.]

Sir: In answer to your Letter of the 24^th Instant, I am to inform you that I am under an agreement with D. Montgomery, for the Lands you mention, to convey them to him under certain conditions, not yet complied with, which rendered it necessary that he should release. From this you see that this claim is joint and not contested.

I am, &^c.,
E. BOUDINOT.

M^r. Thomas Lloyd, Cl'k to th Comm'rs.

———

Letter from John Cook.

North^d, July 1, 1801.

Sir: Since the Receipt of your Letter I called upon M^r. Alexander Hunter, to obtain the Dates of the Warrants, and Names of the original Warrants, in the partnership of Hunter, Moore

and McCord, for Lands in Lackawany Creek, to transmit to you, Who informed me that he had delivered them to you some time since. I have enclosed you a Copy of the original Article of agreement between Hunter, Moore and McCord, Which will explaine to you the nature of the Partnership Copies of the returns of Survey I have not, but I presume it is immaterial, as they will be forwarded to you from the L[d] Office, and you will easily distinguish them from others by comparing them with the names of the Warrantees. Loughlin McCartney claims & has released a tract in the name of ——— Templeton, under the will of McCord.

I am, Sir,
Your friend & Serv[t],
JOHN COOK.

Thos. Cooper, Esq[r].

———

Letter from James Rose.

Northumberland, July 5, 1801.

Gentlemen:

In answer to the queries by your clerk, I have to remark that with respect to the tract of Land warranted in the name of W[m]. Thorp, that the same was conveyed to James Rose (my father) by W[m]. Thorp on the 4th day of June, 1773.

In the release made by me as the Attorney of Rob[t]. H. Rose, the power, if not noted therein, is dated 8th of May, 1798, and recorded in Sunbury, in Deed Book L, page 266, the 8th day of July, 1800.

M[r]. James Rose of Philadelphia, my Father, and the Father of R. H. Rose, died intestate in 1777, in consequence of which we the heirs of became possessed of the Land in question. The necessary releases, &[c]., shall be laid before you in a short time, and every further explanation made that will be satisfactory to the Commissioners.

I am, Gentlemen, with due respect,
Y[r] Ob[t] humble servant,
JAMES ROSE.

The honb[le] the Comm[rs] appointed to carry into effect the Act of Ap. 4, 1799.

———

Letter from Daniel Montgomery.

Danville, July 6, 1801.

Gentlemen:

I received your favor respecting 3 tracts of Land in Huntingdon, Luzerne County, releas't by Robert Montgomery, as my

attorney, to the State of Penns^{a}. ; the same also being released by M^{r}. Elias Boudinot, of the City of Philadelphia. The land I purchas't, but had not *obtain* the Conveyance; I therefore (after we had made the first conveyance), thought best to get M^{r}. Boudinot's Conveyance also; of course you will value the Land as M^{r}. Boudinot's, altho' the property is *myne*.

I remain with Esteem,

Your very humble servant,

DANIEL MONTGOMERY.

Letter from William Tilghman.

Philad^{a}., July 6, 1801.

Sir: On my return from the Circuit Court in Bedford, a few days ago, I received your favour of the 24th June last. There will be no occasion to trouble the Commissioners with respect to the warrant for 300 acres in the name of W^{m}. Hamilton, that land is without doubt on red Bank Creek, and consequently out of the Jurisdiction of the Commissioners; with regard to N^{o}. 30, in the "manor of Stoke," originally allotted to Alexander Patterson, and N^{o}. 24, in Sunbury Manor, originally allotted to William Armstrong; all the evidence in my possession is the original Deeds to my deceased Father, James Tilghman, an exact copy of which I take the liberty of subjoining. I keep the originals for fear of accident, but they shall be produced whenever the Commissioners please to call for them. I beg leave to offer my thanks to the Comm'rs, & you Sir, for your attention to my Claims.

And am, Y^{r} most obedient servant,

W^{m}. TILGHMAN.

Thomas Lloyd, Cl'k, &^{c}.

Conveyance from Alexander Patterson.

Know all men by these presents, that I, Alexander Patterson, of Northampton County, farmer, for and consideration of twenty Pounds current money to me in hand paid by James Tilghman, Esquire, of the City of Philadelphia, have granted, bargained & sold, & do hereby grant, bargain & sell unto the said Ja^{s}. Tilghman, his heirs and assigns, all that Lot of Land distinguished by the N^{o}. 30, in the Survey of the Proprietors Land at Wioming, which was allotted to the s^{d} Alexander in the distribution of the said Land; the Lot containing by estimation 94 acres and 54 perches, together with the Appurte-

nances. To have and to hold the said lot of Land to the s[d] James Tilghman, his heirs and Assigns, to his and their perpetual use & behoof for ever. In Witness whereof I have hereunto set my hand and Seal this 16[th] day of June, A. D. 1774.

ALEX[r]. PATTERSON [Seal].

Sealed & delivered in presence of D. Kennedy & William White.

———

Conveyance from William Armstrong.

In consideration of the sum of twenty two pounds, five shillings, lawful money of Pennsylvania, to me William Armstrong of the City of Philadelphia, Stone mason, paid by James Tilghman, of the said City, Esq[r]., I have granted, bargained and sold, & Do hereby grant, bargain and sell, unto the said James Tilghman, all my right, title, Interest, Claim and Demand, of and in & to one tract of Land in the Proprietary Manor at Wioming, known & distinguished in the division of the said Manor into Plantations by John Lukens and Charles Stewart by the number twenty four; containing about one hundred & fifty acres, by an additon made to the first tract by the said Charles Stewart; the first tract containing only Eighty five acres or thereabouts. To have and to hold the bargained & sold Premisses, with the Appurtenances, to the said James Tilghman, his heirs and Assigns for ever, to his and their own proper use and Behoof, subject to the Proprietary Demands on the same. Witness my hand and Seal this 17[th] day of October, Anno Domini, 1774.

WILLIAM ARMSTRONG [Seal].

Sealed and delivered In presence of David Kennedy.

P. S.—I shall search for further Evidence of the Surveys & hope I shall find it. When my Father made the purchase he was Secretary of the Land Office, and probably had seen papers since mislaid or lost.

W[m]. TILGHMAN.

———

Letter from Alexander Hunter.

Sunbury, July 7, 1801.

M[r]. Cooper:

Sir: Since I seen you I have had in my hands a copy of the proprietaries Draft of all the Manors in Luz. County, the originals I have no doubt must be in your Possession. Where you will find a Thomas Osborne, N°. 54, in consequence of Which Grant a Survey was made, a Copy of which I gave you.

So that he must stand on the same footing with any other Grant or Sale of the Proprietaries in any of the Manors. The office papers of the Lands on Lachawannock, if not furnished by Mr. Moore, shall be immediately procured. I am with Respect,

Your obedient Humble Servant,

ALEXANDER HUNTER.

Letter from John R. Coates.

Phila., July 22, 1801.

Gentlemen:

A Letter from your Secretary, dated 24 Ultº., came to hand the day before yesterday. I regret extremely that the want of further information should be found necessary for the adjustment of the Proprietary Concerns in Luzerne; It has been out of my power to discover any other Record in the Land Office, or elsewhere, than those which I left Genl Irwine, in possession of when I was at Wilkesbarre last fall. They consisted of 1st, A List of Persons who had agreed to purchase Lands in the Manors of Stoke and Sunbury (which List exhibited the Nos. of the different Allotments, the price to be given and the quantity of ground; And 2dly, A large Draught, an Office Copy of the two manors in question, with the divisions, Which corresponded with the above mentioned List of persons who contracted in 1771 at Easton.

This Draught I requested Genl Irwine to deliver to Thomas Duncan, Esqr., at Carlisle; he may have done so, and, in that case, I have written to that Gentleman, Who will forward it to you, if it is in his keeping. If not, I presume you now have it. If my attendance at Wilkesbarre could advance the objects of your mission, or promote the Interest of my Constituents, I would immediately set off; or if you know of any particular information or document likely to be serviceable I will immediately procure them, if possible.

I am, Sir,

Very respectfully,

Yr. Friend, &c.,

JOHN R. COATES.

Letter from William Bingham.

Philadelphia, July 22d, 1801.

Sir: I received your Letter of the 14th Instant, informing me (on the part of the Commissioners,) & some difficulties

which have occurred, which prevent the Commissioners making valuation of Several of the tracts which I conveyed to the State.

I will procure from the Office, and have immed^{dy} forwarded, a return of Survey for the tract named "Dublin." This Document, I conjecture, has been mislaid, as the returns of Survey of the whole Quantity have been transmitted.

If it should be found necessary to procure an order for surveying the three tracts, the Boundaries of which cannot be ascertained, I will apply for the same, but I hope on a further examination of the returns of their former Survey, they may be discovered.

I am aware that the two tracts recently surveyed by M^{r}. Sambourne are not included within the letter, altho' they are embraced within the Spirit of the Act of April 4, 1799.

I am, Sir,

Your Ob't Serv.,

WILLIAM BINGHAM.

M^{r}. Thomas Lloyd, Wilkesbarre.

Letter from Charles Hurst.

Philadelphia, July 27, 1801.

Gentlemen:

Your favor received. You desire to be informed by what Authority these Surveys are made. I expect by your seeing them done by no regular Surveyor they are not satisfactory to you.

The Surveys are all from oirginal Purchasers of William Penn, the 1st Proprietor, and from his Warrants to his Children, And to Arrent Summers, a Purchaser of 5,000 acres. Also to Sir William Petty, L^{d} Shelburne's ancestor 5,000 acres. Before the Surveys was made, both for City Lots and Country land, the Surveyor General was applyed to before on Evidence, desiring he would order the Deputy Surveyor to lay them out, but he refused, saying M^{r}. Penns ordered him to survey no old rights as they was stiled.

Our Council ordered us to Imploy any Surveyor we pleased, we got the City Lott for Sonmans laid out by one Hall, a Surveyor, & fenced it up, 132 feet on market street & 306 feet deep the size for a 5,000 acres Purchase; they ordered our Fence cut down & it was tryed and the proprietor cast, when their Council said the lott was not surveyed by a regular Surveyor, we proved by Affidavit our requesting the Surveyor General to do it, and his refusal sanctioned us in getting

another, and the Court was satisfyed: the same on the Lott in market Street laid out for Lord Shelburne, of one hundred and thirty-two feet and 306 deep, with other Lotts making about 208 feet; the Proprietor was ejected out of the Lott and M^r. Burd got Judgement for me in 1781 for 200 feet; its to be found in Charles Biddle, Esquires, Office the Prothonities on Record. We have about 12,000 acres laid out in Wayne County by order of Gen^l. Brodhead, who we employed, & one John Seely surveyed them for him; some of them have been sold by Gaskill's attorney, & sold 2,200 acres on Lachawannock Creek to one Silas Kellogg, & one Deputy Surveyor wanted to survey them again. Kellogg came down for a Patent for his 2,200 acres; he waited on the Board of Property; two or them would have gave him a Patent but the other said as they were not surveyed by a regular surveyor he thought they should have advice before they did it; they then stated a case to the attorney general, Jarred Ingersoll, Esq^r., desiring his opinion whether they should grant a patent where the Land was laid out by a private Surveyor; his answer was if the Person had applied to the Surveyor General & had been refused, they had a right to get one themselves; on that account a patent was granted; the opinion is recorded in their Office about 12 months since.

There is no titles that will stand the test better than the above.

5 tracts of mine, on Lachawannock, I had ordered M^r. Daniel Levy, of Sunbury, to eject Samuel and William Miller, who have a Grist and Saw mill on the Premisses, but he said they would like to purchase them of the State, and as I had seen Tench Coxe, Esquire, some time before, he advised me and M^r. Gaskill to make a Deed to the State, but desired we would send our title first to him for Examination. Which I did and he then desired me to send the Deeds as soon as possible, as the Commissioners was going out.

I am wishing you Success in y^r arduous undertaking, Gentlemen,

Your very humble Servant,

CHARLES HURST.

P. S. — When you Gentlemen come to Philadelphia, shall be happy to see you at my house.

Letter from Isaac Tripp.

Providence, July 28, 1802.

Gentlemen:

I wish to inform you that I am interested with the case of half a Lot N^o. 6, in the town of Providence, belonging to Lodo-

wick Updicke, of ——. In compliance to the Law I wish to make applycation for the same, if consistant, until he can be acquainted with the Business.

Gentlemen, I am, with respect, Your Hble Servant,

ISAAC TRIPP.

Letter from W. A. Thompson.

Williamsport, August 12, 1801.

Thomas Lloyd, Esq^{r}.

Sir: We received your letter, dated the 21 of June last, containing queries with respect to the lands claimed by the Heirs of W^{m}. Patterson, deceased, only a few days since, otherwise you may rest assured it should not have remained so long unanswered. We have searched the papers of the late M^{r}. Galbreath Patterson, but have not been fortunate enough in finding any clue which can enable us to answer fully your Enquiries. We send a transcript of the agreement between Cox and Patterson.

We apprehend the probable source for obtaining any information with regard to what Surveys have been made will be the Land Office, Where we shall, as soon as possible, direct our Attention, and the facts, which can be ascertained, shall be forwarded to you without delay.

We are, Sir, With respect,

Your Obed^{t} Servant,

W. A. THOMPSON.

JOHN ROSE.

Letter from John R. Coates.

Philad., Aug^{t}. 19, 1801.

Gentlemen:

I attended as soon as possible to procure such docum^{ts} as your last letter informed me were necessary for you. It is impossible for me to wait personally on you, nor do I think it will be deemed necessary, after the Rec^{t} of the Package in which this is enclosed. I believe that the papers now sent will afford all the elucidation which you require, and all which I have been able to obtain.

I remain, Sir, very respectf^{y}.,

Your mos. Ob. Servant,

JOHN R. COATES.

When you have no further use for the Draught & List I will be obliged by y^{r} ret^{ng} them.

Letter from P. Snyder.

Easton, Aug^{t}. 19, 1803.

Thomas Lloyd, Esq^{r}.

Sir: We have delayed acknowledging your favour of the 14th Ult^{o} (Wherein you mention that it will be necessary to procure certified copies of the Returns of Survey of the Lands owned or claimed by our testator, M^{r}. Peter Kachlein, deceased), untill we had wrote to a friend at Lancaster to make searches in the Land Office, and Certify to us the facts how he shall have found them. We have this week received his answer, Who informs us that there are no returns of Survey filed in the Office, he therefore has sent us copies of the original Warrants and Applications, Which the Surveyor General has directed to M^{r}. Sambourne, to execute and make return thereof into the Surveyor Gen^{l}. Office. How to proceed in the business now we are totally at a loss. We as Executors know nothing at all about the Situation of the Land called for in the Warrants, &c., and perhaps never will be able to find the identical spot: for these reasons, we did not now forward the Warrants to M^{r}. Sambourne. We would, therefore, beg the favour of your Consulting with that Gentleman, and if not too troublesome for you to be so obliging as to write us p^{r} mail advising What in your opinion We had best to do in the business. Your compliance will be gratefully Acknowledged by

Sir,

Your very humble Servant,

P. Snyder.

For myself and the other executors Luzerne County.

Letter from Aaron Levy.

Philadelphia, August 26, 1801.

M^{r}. Thomas Lloyd.

Sir: The above Lands conveyed by me to the State are held by locations dated in April, 1769, and which were lodged in the Deputy Surveyor's hands to be executed and returned to the Office. From Ill health I have not been able to attend at Lancaster, and the Dfts. I could obtain I enclose you; so soon as I can procure the Copy's of any of the other tracts I will forward them to you.

I am, Sir, Your obedient Servant,

Aaron Levy.

Draughts herewith transmitted: John Wolf, 308. 2. 26; George Tanner, 302¾.

Letter from P. Snyder.

Easton, Sep^{r}. 2, 1801.

Thomas Lloyd, Esq^{r}.

Sir: Your favor of the 26th Ult^{o} was duly received by me p^{r} Mail, & return you my thanks for the trouble you have taken in the Enquiry, and of informing your advice on the Subject; therefore, agreeable to the same, I herewith enclose the Copies of the Warrants and Applications which we have procured from the Land Office, and by the further favor of your putting them into the hands of M^{r}. Sambourne, for him to Execute if possible, and further, to assure that Gentlem^{n} that I should also have sent on his fees, If I had known the amount, and had not dreaded the risque of some accident that might happen if this letter was miscarried before it reached you; that so soon as the service is performed M^{r}. Sambourne will be so obliging as to make out his acc'ts, and draw on me in favour of any person he may think proper; that the reasonable and legal amount thereof shall be honour at sight, or paid to himself, if he should happen to come thro' this place, leaving the option of conveniency entirely to himself.

I am, with respect,

Sir,

Your very humble Servant,

P. Snyder.

Thomas Lloyd, Esq^{r}.

[In the above letter the following Warrants were transmitted to M^{r}. S., D^{y}. Surveyor: Peter Conrad, Henry Schreider, Michael Kocher, Christ. Wolf, Jacob Millar, May, 1774.]

Letter from Putnam Catlin.

Sept. 25, 1801.

To Thomas Cooper, Esq^{r}.

Dear Sir: I have considered the contents of your obliging note of the 11th Instant, & have agreed to waive the exception contained in my oath of single title, because I agree in opinion with you, that the form of the oath prescribed in the act meant no reference to a title claimed under the confirming law, & because I have no disposition to reserve any point or quibble for the decision of the Board of Property.

Since that Board intend formally to object to granting patents, where the oath shall be thus modified, it would not be prudent for me to spin out the Controversy in a dispute about words merely. I am anxious to have the act carried into Effect,

as far as possible, and as soon as convenient; it will, therefore, be very far from my intention to introduce difficulty in any stage of the proceedings.

Should it ever happen that this act shall be repealed, defeated, or not carried into Effect, so that I may be driven to rest my title on something else, I shall trust there will be too much magnanimity and Justice in the State of Penns^{a}. to suffer any advantage to be taken or attempted, by reason of the form of said oath.

I hope the Commissioners will not believe that the exception relative to the confirming law was introduced into the oath for any other purpose than as a necessary caution. Considering the peculiar circumstances in which the claim^{ts} under that law stand, especially since so much has been said, written and published, by one of the Members of the Board of Property, about Submission of claim, abandonment of claim, and of final and fatal *Non pros.*

I am, Sir, Y^{r}. obliged and humble Servant,

PUTNAM CATLIN.

Tho^{s}. Cooper, Esq.

Letter from Rev. William Smith.

Phila., Oct., 1801.

Sir: Your letter of July 14 came to the hands of my Son William, when I was absent in Maryland, at the City of Washington, & I write these few lines from this place on a Journey to Huntingdon, Bedford, &^{c}., if I am able to make it out.

The queries in your letter are very proper, and shew the attention of the Commissioners & yourself to the tedious and troublesome business of the Commission. But that it should be laid under the necessity of applying to the owners of Lands ceded to the State, for the Purpose of (accommodation), requesting from them not only Drafts, but the Title Rights of the Lands ceded. Surely the Officers of the Land Office were able to furnish these, and they are the Judges, with advice of the State of the State law Officers, of the Validity of the Titles & claims, and the Drafts of the returns of Survey are easily to be found in the Surveyor General's Office, if it be under any proper arrangements & it is his duty to furnish them, for few of the owners will take that trouble. Some cannot copy Drafts, and many have no copies of the Drafts of their Land, &^{c}.

As to my partnership Contracts, the Commissioners may depend they are valid: they have been exhibited to the former Land officers; the Substance of my Contracts with John Coxe

is expressed properly in the same, and cover everything I claim in my release to the State, and if my Co-partners have mistaken or mistated their Shares, that is to be adjusted afterwards, and I cannot see how or why the Comm'rs should be at a loss to proceed, because they do not know the precise chain of title, or particular Share of every person who has released. If it were to be presumed that the Names or Persons of Claimants, could have any influence over the Commissioners, it were better they knew not either of them, but only to proceed to value the tracts according to Justice, and their powers having only the returns of Survey and the names of the original Warrantees, without any regard to mesne Conveyances or who may be the present owners.

It surprizes me to hear you say "That I have not stated any "chain of title to the Surveys in the names of Richard Smith "(my Son) John Parkinson and Simon Armstrong." I have regular Conveyances from them all, such as is usual for obtaining a patent, and how could it be supposed I would release to or trifle with the State, unless I had such title? The same is the case respecting the answer to your other Queries; except so far as respects my authority from the Representatives of John Lukens. That was derived from his Executors and my Son Charles, as the Agent, and as Executor to Laurence Keene, will confirm it.

I am happy to have it in my power to furnish a copy of the whole Survey of Abraham's Plains, divided into lots, with the names of the owners, certifyed by the late John Lukens. I deposited it two days ago with the present Surveyor General at Lancaster, who promised to make out a Copy and transmit the same to the Commissioners in a few days.

Excuse this hasty Scrawl. If you can find a Conveyance to Huntingdon and have anything further to enquire of me, whereby my answer can expedite the business of the Comm^rs., I shall be glad to hear from you any time before the 10th Nov. Direct to my Son Richard, who lives at Huntingdon.

I am, Sir, Y^r, most humble Serv^t.,

W^m. SMITH.

Letter from William Montgomery.

Danville, Oct. 15, 1801.

Dear Sir:

By Post I received your note relative to the minutes of the Commissioners under the confirming law. I do not recollect that I have ever seen them since we were broken up, but I

have always understood that Col. Pickering and Griffith Evans took them with them to Philad^{a}. and lodged them with the Supreme Executive of Penns^{a}. ; but how they should have gotten into the hands of M^{r}. Bradley at Washington I can't conceive, unless they had been first copied before they were lodged in Council; but this is conjecture. I know nothing more of them.

I am, Sir, Y^{r}. ob. Servt.,

W^{m}. MONTGOMERY.

M^{r}. Th^{s}. Cooper.

Letter from Matthias Hollenback.

To Thomas Cooper, John Steele, William Wilson, Esquires. Commissioners for hereing Disputes between Connecticut Settlers, &^{c}.

Wilkesbarre, Oct. 12, 1801.

Gentlemen:

I have objections against the present Plan of Survey of the two back tier of town lots in Wilkesbarre, say the second Division Lots, numbered as follows, viz: in the first tier, N^{o}. 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28 & 27, and in the second, or back Tier, N^{o}. 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40 and 37, alledging that there is more land taken into the Length of the said lots then they are entitled to, and by which mains the Land so taken into the before going lots is taken off of my third division or back lots (that is in part), N^{o}. 36, 37, 38, 39 and 40. I wish a delay of the Certificates being granted to, or that Patents may not issue to Joseph Slocum, Eb^{r}. Slocum, Benjamin Perry, Jacob Johnston, John P. Schott, Putnam Catlin, Hugh Connor, Jesse Fell, Samuel Bowman, Jacob Hart and W^{m}. Ross, or any one else, on any of the beforegoing Division Lots, as the may be numbered, untill I may be regularly heard before the Board of Commissioners, or untill there may be a Suit entered on the cause at common law.

MATTHIAS HOLLENBACK.

Letter from John Ewing, Jun.

Philadelphia, Dec^{r}. 3, 1801.

Sir: Hearing that you have returned to Lancaster, I take the liberty of requesting you to inform me whether the Lands belonging to my father, in partnership with Conyngham, Nesbit, and the heirs of Charles Stewart, situate in Nanticoke and

Jacob's Plains, have been surveyed, and whether the Business is in such a situation that we shall be able to obtain our money upon going to Lancaster for it.

A line in answer to this as soon as convenient will greatly oblige us. We are now much in want of that Money, which we should have received many years since.

I am, Sir,

Your most obed^{t}., hble Servt.,

J^{no}. EWING, JUN^{r}.

Thomas Cooper, Esq^{r}.

Letter from John Mulhallon.

Easton, Dec^{r}. 14, 1801.

Dear Sir: When I had the pleasure of seeing you in the City, I mentioned to you to inform me with respect to a small back track of Land lying on the Mouth of Lackwany, with a Saw Mil on it; the information I wish to have, Who is the rail Connecticut Claiment, and who the Pensylvania proprietors? if relinquished, What the valuation is and any other matter material for me to know, in order to obtain an indisputable title for the same; this information I wish you to communicate me by post as soon as posable, as my intention is to proscede through that Country to the pented post about Chrisamus. You attention to the Subject will ever be remembered by your Sincere friend and humble Serv^{t}.,

JOHN MULHALLON.

Thomas Lloyd, Esq^{r}.

Letter from D. H. Conyngham.

Wilkesbarre, May 27, 1802.

Gentlemen:

I received your note in answer to my application of last Evening. It has distressed me beyond anything I have met with, and altho' I must not call in question any official determination, yet you will allow me personally to state my situation, and to beg, if in your power, you will render me such assistance as you consistently can.

Embarrassed in Circumstances, from a too great confidence in former friends, I have retired from every Business but a Liquidation of the affairs of Co^{o}. Nesbitt and Co., from whom there are several heavy Debts still due, for which Mortgages on my property about the City are given, and if pressed to Sale

and really put up would bring but little in proportion to its cost and value at this unfortunate moment; to the Banks we have also a Sum to pay and having given to our Endorsers an engagement to apply the amount of our Lands Surrendered to the State, they have indulged us by renewing our paper to this moment, but on my return to the City with your Letter I dread a stop to the whole, and an accumulation of distress will fall upon me; perhaps, therefore, some plan for my private relief can be suggested, & as besides our own part the Estate of Colonel Stewart owe us a debt of D^rs. 5,000. Which they can only repay from the Certificates; a general Schedule of the Lands surveyed, with the acres and value, might enable me to induce one of the Banks to relieve me, giving up our Claim on the Certificates when issued by you to their order: as it would be signed by y^r Clerk, no other use could be made of it, and when you consider I am in fact deprived of all title by my Act of Surrender, I hope my private distresses will lead you to approve of this or suggest some mode equally satisfactory.

I again Apologize for my Importunity, but hope your Friendship for me will excuse me.

I shall leave town to-morrow morning if the weather will allow me, and am, with regard,

Y^r. h'ble Serv^t.,

D. H. Conyngham.

Letter from Col. Francis Johnston.

Blockley near Philad^a., July 30, 1801.

Gentlemen:

Your Letter of the 14 Inst. came duly to hand, in reply for which I have enclosed for your perusal a List of Patents, &^ca., belonging to the Estate of Lawrence Keene, dec^d., but Whether they, or any of them, are situate within the Seventeen Townships I cannot say, not having in my possession the line of these townships.

There are two or three tracts in which the Estate of Lawrence Keene is also interested, lying in Bently's creek, above Tyoga, and adjoining the N. York line; but whether these are within or without the Townships, for the reason already assigned, I cannot tell. I am sorry it is not in my power to furnish you with documents relating to the specific tracts, having no papers in my possession but the Patents.

Gentlemen,

Your Obedient Servant,

Francis Johnston.

Mess^rs. Cooper, Steele, & Wilson, Comm'rs, &^ca.

Patents N°. 429, dated 24 May, 1788.	Major Keene,	Luz. Co.,	400.
552,	d°.	d°.	553.
403,	d°.	d°.	502.
435,	d°.	d°.	602.
267,	d°.	d°.	346.
369,	d°.	d°.	400.
69,	d°.	d°.	500.
166,	d°.	d°.	500.
281,	d°.	d°.	500.

All in the new Purchase.

Patent to Lawrence Keene, dat. 6 Jan., 1784, 308, North^{d} County, situate in Augusta township.

Warr^{t} and Survey to Lawrence Keene, July 17, 1787, 300.

A small tract in Lycoming, then North^{d} Co., 147.

Patent to the Executors in trust, dat. 12 Ap., 1797, 99¾, situate in Augusta.

Ditto, Ditto, 12 April, 1797, 286, situate in Washington Township.

Letter from William Deane.

Easton, May 31, 1802.

Dear Sir:

Yours of the 28th Instant I received, and in answer beg leave to inform you that I have obtained the release spoken of (signed Thomas Hayes) and transmited the same to Tench Coxe, Esquire, in Nov., 1800, which you will find amongst your releases. I have recently been informed that Hays conveyed to Col. Stewart, who conveyed to Conyngham, Nesbitt and C°. 20 Years ago, that the case Hays has no title. My respects to General Steele, M^{r}. Wilson & Col. Horne.

Yours truly,

W^{m}. DEANE.

Thomas Cooper, Esq^{r}.

Letter from Judge Jesse Fell.

Wilkesbarre, May 29, 1802.

Sir: In compliance with the request of the Commissioners, of the 26th Instant, I waited on Lawrence Myers, Esq^{r}., who I understood was interested in the township of Northmoreland; we called on Captain Gallup, Sh'ff. Dorrance and John Dorrance, who are all considerably interested in the same town-

ship; they agreed to call a town meeting next fryday in that Township. I understood Mr. Myers was considered as town Clerk and agreed to advertise the meeting. Mr. Gallup informed me that he was in possession of a certified Plan of the township of Northmoreland, the original field Book of Parks that surveyed it, and also a List of original Proprietors, but declined giving up the Plan until a town meeting was called, or he refunded the Expences he had been at in obtaining it: these Gentlemen proposed having Committees appointed to conduct the business of the town, Collect papers, &c., and comply with the request of the Commissioners without delay, and informed me that it would be unnecessary for me to go into Northmoreland, as they would take every step Necessary in the business.

Then taking with me Sh'ff Dorrance, who very obligingly accompanied me to the house of Mr. John Jenkins, I told Mr. Jenkins I waited on him with an arrent from the State Commissioners. I had a memoranda of my business and would hand it to him for his information; after reading it he replied he did not know the Gentlemen, that he had no business with them, or had he any papers for them; that he had no papers but his own, and that he should not deliver the papers to any Pennsylvanian; that he was not town Clerk of Exeter, nor did he know who was town Clerk; that he did not want his Land surveyed; if he did he could do it himself. I saw Mr. Jenkins the next day at the house of Mr. Barnum, at Pittstown, he requested to see my memoranda, which I handed to him; he again replied, he should deliver none of his papers to any Pennsylvanian. Mr. Dorrance informed that Peter Harris, James Scovell and Moses Scovell were proper persons to apply to. I then waited on James Scovell; he informed me that Moses Scovell had acted as town Clerk and shew'd one part of a plan of Exeter; it contained only some lots on the river without distance or Number, which I considered could be of No Service to the Commissioners. I then waited on Peter Harris and Moses Scovell. Moses Scovell informed me he was not what was called proprietors Clerk, and that he only acted as Clerk at their township Elections; the information was generally that all the papers were destroyed in the Indian Wars; they proposed to call a town meeting and take immediate steps to come before the Commissioners with their claims.

I next proceeded to providence township. I waited on Esqr. Searl. Who informed me that he had some papers belonging to this Township which he was willing to give me, but thought it better to deliver them to a Committee of the town; he informed me that Reuben Taylor was town Clerk. I then waited

on Mr. Taylor, who informed me that he had no other papers than a few town Votes; that what papers there were respecting this Township were in the hands of Esquire Searle; that he by request had advertised town meeting to be held next Thursday, on other important Business to the Township, and went with me to Isaac Tripp, whose Father had obtained the Grant of the Township.

Mr. Tripp informed us that all their original papers were destroyed in the Indian Wars, but expected they were on Record: they proposed to notify those concerned, and attend to the request of the Commissioners without delay. I returned, believing from the general disposition that these Townships will be before the Commissioners in a few days.

JESSE FELL.

Representation of the Settlers.

Salem, June 3, 1802.

To the Board of Commissioners for carrying into Execution the Act of 4th April, 1799, entitled an Act for compensation to Penns^{a}. Claimants of certain Lands within the 17 townships in the County of Luzerne.

The Subscribers, a Committee appointed by the Connecticut Settlers, residing within the township of Salem, for that purpose, beg leave to address upon the subject of their claims. The township of Salem was regularly granted by the Susquehannah Company, and every condition requisite to vest in the Proprietors every right or lot in s^{d} township was promptly fulfilled. But from the intervention of the revolutionary war some rights in the said Township were not improved nor occupied, until since the Decree of Trenton.

The Settlers, therefore, wish to be informed from those Circumstances wether the Township of Salem generally Comes within the act or not. If not, wether the rights or lots unoccupied from the Circumstances af^{sd} are excluded. An Answer from the Board to those questions will much oblige.

We are, Gentlemen,

Your mo. Obt. Humble Servants,

ALEXANDER JAMISON,

NATHAN BEACH.

Committee.

Mess^{rs}. Thomas Cooper, General Steele, William Wilson.

Letter from William Slocum.

June 3, 1802.

To the honorable Commissioners now setting in Wilkesbarre to Put into Execution the act of April 4, 1799, entitled an Act for offering Compensation to the Pennsylvania Claimants of certain Lands in the County of Luzerne, &c., &c.

Whereas difficulty is likely to arise respecting the Sale of our Public Lands in the township of Pittstown, as I am told the honorable Commissioners do not cognize the Sale of Lands in the same situation in other townships, I humbly ask an answer in writing, as we are to have a town meeting to-morrow, by which means we shall be able of conducting our Business regular. I ask this as I am one of the Committee that sold the land; if it is inconsistant with your manner of Duing Business, I hope your honor will excuse me for the liberty I take.

I am, Gentlemen,

Your very humble Servant,

WILLIAM SLOCUM.

Thos. Cooper, Esqr.

Answer to the above.

June 3, 1802.

The better way will be for the Inhabitants at a town meeting to appoint a Committee to apply for the Lands as trustees on behalf of the Inhabitants and proprietors of the Town; the sooner this is done the better.

THOMAS COOPER.

Representation from Berwick.

Berwick, June 12th, at 5 o'clock, 1802.

We the people of Berwick, at Common Council, met and think it our duty to give your Honours an early notice of our Situations. We understand that they have had a meeting in Salem Township, and they have unanimously agreed to support each other to git the whole Township or not to let you come into the Township to settle the disputes. We holding Pennsylvania titles, which we have purchased at a high rate, laying in the lower Eadge of Salem Township, we think to be enabled to prove by some of the old Settlers that they did not settle under the Connecticut title, and further, that there is

several lots in the lower end of the Township that they cannot prove the settlement of them before the Decree of Trintown, which the lower lot runs in our Land and likely will take away the water works, fishery and ferry, which may in time be valuable; which is granted to the Town by the Bill of rights; hard it appears to us, being the Frontiers in this disputed Country and haveing our Deeds of Land from the State, being in peaceable possession, we confide in your honours that where they cannot prove up the Settlement of those Lots under Connecticut to the very Extent of the law in the lower end of Salem, that you will not think it proper to grant them a Certificate for their Lands.

But they say that they can prove up 20 Settlers.

WILLIAM BRYAN, *Clerk.*

Messrs. Cooper, Steele and Wilson, Esqrs.

Representation from Kingston.

Kingston, Wednesday, 27 minits past 8 a. m.

To the honourable the State Commissioners appointed under the Act of 1799.

Gentlemen:

The Committee of Kingston seize the earliest moment to state to your Board that until your decision is made known, where the middle line of the Town is by your opinion established, it will be necessary for them to make any enquiries as to the rear Bounds of the town, as the west corner is Vague and Mr. Cooper gave his oppinion Yesterday; notwithstanding all that was shewn the north Corner Bounds remained indefinite. Should it be your oppinion that the ancient Corners and the lines run by Mr. Woodworth are of no Consequence; then the objects of the proprietors of Kingston cannot be obtained thro' the medium of their Committee, agreeable to the votes of their meeting, viz: that a Committee be appointed to assist the State Surveyor to ascertain the old lines and Bounds of said town and the lines of the head of every tier of lotts in said town as run by Mr. Woodworth.

We should not have hesitated a moment on the propriety of the object in view in our appointment, had not Mr. Cooper have said "We will fix the corner whare we please, and order "our Surveyor to run the line as we please, and give Certifi- "cates, &c." Should this be the oppinion of your Board in Bank, the Committee consider their appointment useless and their

Business superceded, and may not pay any farther attention to the Enquiry. Wait the issue.

Gentlemen,
with all due respect we
subscribe ourselves your mo. obt.
and very humble Serv'ts,
B. CARPENTER,
B. SMITH,
Committee.

[To this Letter no answer was returned. See the notes taken at the time of the trial upon the contested Line, where all the proceedings are accurately reported.]

Letter from Abraham Van Courtright.

Bloom Township, Northumberland County,
June 17th, 1802.

Gentlemen:

I have received Enformation that three Lots, East side of the river, lying in the manner above Buttonwood, on the E. side of the river, about one mile below Wilkesberry town, in the County of Luzerne, distinguished by Numbers thirty-six, thirty-seven and thirty-Eight, Has Been Released by some Pennsylvania Claimant agreeable to the laws and provided for that purpose and releasing their claim. But the rail title for said lots is invested in myself the Subscriber and Beni Hundy. Having in the Year one thousand seven hundred and Seventy-three, I purchased the same of Philip Johnston, as the rail title was then invested in s[d] Johnston, and neither of us has released any part of the said lots to the State.

Gentlemen, I would not wish to be tedious, but if you please to Inform the Bearer, M[r]. Mundy, and also write a few lines to me how the business stands.

I am, Gentlemen, Yours, &[c].,
ABRAHAM V[a]. COURTRIGHT.

To the honorable Body of Commissioners app[d]., &[c].

Letter from Samuel Jackson.

Berwick, June 21, 1802.

Gentlemen:

I herein send you a Plan of our town, marked as near as possible, with a chain shewing near the middle of Water lot N[o]. 16,

is in the township of Salem; one Draft surveyed from the Town land for Jacob Smithers adjoining the Town plan, and Land surveyed for Alexander Patterson, and also s[d] Patterson's Draft occupied by or for W[m]. Bryan since the year '88, for your perusal, and if it should suit you, when you remove your offices for Salem, You may be accommodated in the Town of Berwic, and in Salem on Lot N°. 16 with a tolerable two Story house, rent free, now unoccupied, where I expect you can be accommodated as reasonable and as genteel as in any part of this Country. I therefore submit all to your Superior judgment, and remain, with due respect,

Your real
Friend, &c.,
SAMUEL JACKSON.

Thomas Cooper, Gen. Steele, & William Wilson, Esq[rs]., Commissioners.

P. S. —Please to excuse bad writing, as the mail is just closing.

Letter from Reuben Taylor.

Providence, July 15, 1802.

Sir: Pleas to let the Bearer, Daniel Taylor, have the Extracks from M[r]. Hart's office that belong to me, which I left at the Commissioners office when I exhibited my claime, my Deeds refers to the Partition of the Estate of Jedediah Hoyt, deceist, and shall want the said papers to describe the bounds to the Surveyors.

One paper the order of the Orphans' Court, one D[e]. the Extract Deed of the administrator of Timothy Keys to Jedediah Hoyt, one other paper the partition of the Estate of Jedediah Hoyt, will oblige,

Your humble Servant,
REUBEN TAYLOR.

The honorable Thomas Cooper, State Commissioner.

Letter from Evan Owen.

Berwick, July 26, 1802.

Sir: After reading your observations on the Wyoming disputes, and viewing a Catalogue I made some time past of many acts on the Subject, at a moderate calculation of the Expenses making and repealing will far exceed the sum limited to value the Land to the Pennsylvanians in the whole of the 17 townships, and if the sum to be paid by the Connecticut Set-

tlers will more than pay the Expence of the Commissioners, the State will be gainer by paying the Pennsylvanians the full value for all the hold, rather than continue disputes as long again, and shall chearfully coinside in Judgment with you on the proceedings of the Legislature, as to inspire confidence or terror, but on the contrary invited insult to insult, made one necessity beget another, and leave the Pennsylvanian supporting the Interest of the State, with his property embarrassed, without opening a Door to recover the damage; yet I consider all those done away by application to the act of 4th April, 1799, and Supplements makeing part of the Township Salem a Common Stock with a cause of Sute from the 12th May, 1776, if allowed to be run by you Deputy by courses and Distances from the Beginning horn Beam, with notice to those whose titles it may effect, then will the Law of occupancy prevail, subject to other Laws of this State, and the only Differences amongst the Settlers is different modes of Surveys, one interfering with the other, and Justice and Equity if Conciliation is to be pursued towards the Settlers will secure to the Settler the Lot he occupied in the mode he settled, as each Lot is a separate tract in Pennsylvania. I shall add that though the Legislator may have a right to take land from an Individual for roads and Canals, for a just Compensation in money, to benefit the public, yet I know of no law in this Commonwealth to remove one Settler for another, unless the possessor should be proved insain and fall under the protection of the Court here. I submit the Premises to your superior Judgment, in hopes to see you at the time you appointed, I am, with due Respect, Yours, &c.,

EVAN OWEN.

P. S.—Excuse Error of Judgment. I think as I say. To Thomas Cooper, Judge of the Court of Commissioners, Luzerne County.

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Letter from Ebenezer Bowman and Others.

Wilkesbarre, Sept[r]. 3, 1802.

Sir: We have to acknowledge your communication of yesterday on the Subject of Appeals, and to apologise for not making you an earlier answer. We have attended to the propositions you have been pleased to make, and cannot, circumstanced as we are, find ourselves warranted in acceding to them. We have had no opportunity of seeing any of our Clients interested in the Subject of Appeals, and should we

agree to anything (however reasonable in itself), We might incur their displeasure. We entertain hopes that between this and next term (April), Some legislative interference or Judicial determination will take place, removing every doubt which the Subject may excite. We are, Sir, with due respect, Yours, &c.

ROSEWELL WELLES,
EBENEZER BOWMAN,
THOMAS GRAHAM.

Thomas Cooper, Esq[r].

Letter from Capt. John Paul Schott.

Wilkesbarre, September 18, 1802.

Dear Sir:

I received a few lines from you, together with the Deposition of Thomas Wigton. I can't say how it is, I would request you to suspend your judgement ontill I can write to Thomas Neil to find out the truth. Thomas Wigton then had a good Caracter, and when that place or lot was sold nobody forbid the Sale thereof, altho' they knowed it.

our best respects to you and Son, and I am,

Dear Sir,

Your most humble Servant,

JOHN P. SCHOTT.

Thomas Cooper, Esq[r]., Braintrim, Luz. C[o].

Representation of David Moore.

Feby. 17, 1803.

Sir: Having the honour of a slight acquaintance with you, I take the liberty of enclosing to you a few lines for the consider[n] of the Commissioners who value the lands ret[d] to the Commonw[th] within the 17 townships. You will be so good as to present them to your Colleagues. I trust there is no impropriety in addressing the Commission on a subject in which I am interested, and over which they exercise such unbounded Powers; business prevented my addressing them earlier.

A Line addressed to me at West Chester, informing when it is expected the Commissioners will report, will be gratefully rec[d] by your obed[t] Serv[t].,

DAVID MOORE.

William Wilson, Esq[r].

Messrs. Cooper, Wilson and Steele, Commissioners, &ca., Gentlemen:

The death of my father (James Moore, Esq.), and my consequent interest in the appraisement of the lands released to the Commonwealth within the 17 Townships, induce me to submit to your consideration the following circumstances: That J. Moore had paid for those lands as early as the year 1773, that he esteemed some of the tracts valuable alone for their woods and Sawmill seats, Others on account of Ore mill seats, & that he once refused an offer of 5 Dols. the acre for the greater part of them. That Commissioners, under the act of 1783, made a favourable report on those Lands, and that David Mead, under an Act of Assembly for compensation, recd from the State £5 the acre for one of the tracts to which he set up a false claim.

My father was induced to make the release to the Commonwealth from these reflections, viz: 1st. That the measure was necessary for the peace of the State. 2. That the very limited price allowed by law was only to be considered as a compensation, and not as a purchase. 5 Dols. could not be considered as the purchase of Lands worth 50. Dols; yet it would be an adequate compensation for all the costs and trouble of the releasor; under the constitution he knew the property could not be taken without a just compensation, even for the public, he therefore did not believe the legislature for the use of some of their worst Citizens would obtain the property at a less than just compensation by the fraud of delusive Offers and terms, by denying protection to the possession of the property itself. 3d. That it would be the duty, and of course the conduct of the Commissioners, to give the law its true construction and so act as not under the law unreasonable, unconstitutional or unjust. In ascertaining value he considered the Commissioners as exercising the important rights of a Jury, and like a Jury he trusted they would receive inform" and reasoning and decide according to equity as well as law: he conceived their powers to be all important, the superceded the trial by Jury and had the honour of the State and the rights of their fellow-citizens in their hands, without the smallest controul either by new trial, rehearing or Appeal.

4. That it would be the duty of the Commisioners sent, to ascertain what purchase money was paid and when, and by proper calculations of Interest to equalize all the releases as to reimbursements, then to take into consideration the several values of the property released and average the appraisement so as to make a Just and equitable compensation (in the way of Damages), according to the sacrifice of value each releasor may be supposed to have made to the State. The State in de-

fault, not only for Neglect in not protecting the rights it granted, by the various interferance of its Legislatures in preventing a possession of the land it had granted, and as a defaulting individual was bound in conscience, not only to reimburse but to compensate with adequate damages within the limits prescribed by law. He belives that improvements, and all natural advantages of ores, Water, &ca., would have their values considered as well as Soil. 5. His claim for reimbursements at the time of his release, Sep., '99, stood thus:

Cash p^{d} the Receiver General, receipt dated 9, 21 June, 1773, for Lands in the names of Forster, George Lurgan, Moore, Mead, McClay, McCord, Parr, Russel, Smith, Templeton, J. Wilson, W. Wilson, J. Weitzall & C. Weitzall, am^{t}., ...	362. 10. 0
Interest on that Sum from 1 July, '73 to 1st Dec^{r}., 1774, when fees of Survey was paid, 1. 5 Mo.. . .	30. 16. 3
Add Surveyor fees then paid, ...	36. 0. 0
Add the moiety of the Sums p^{d} the State on the Warr'ts of Kess and Kachlein, J. Moore p^{d} £100 for this moiety but the State is only to be charged with its receipt, ...	24. 15. 0
Add Expences in discovering Warrenty & Survey'g, at least, ...	45. 18. 9
Total, ...	£500. 0. 0
Comp^{d} Int^{t} on that Sum from 1st Dec^{r}., 1774, to 1 Sep., '99, when he made the release, is Y^{rs}. 24, 9 Months Interest from then to valuation, ...	1,518. 15. 0
Total claim for reimbursement, and if a Cent less is allowed a fair reimbursement will not be made, .	£2,018. 15. 0

My father took up those lands early, and if they were not all of the first rate, he trusted from their natural advantages, and his early oportunity of choice, that they were fully within the Second rate.

Under these ideas he rested satisfied that he would not only be reimbursed, but receive a considerable compensation.

In addition to the foregoing, I will only add that Compound Interest in this case is not only equitable but necessary to Justice, and can lawfully be allowed in the valuation. The man who did not pay the State, but traded on his money, or put it to interest, made compound interest, he ought not to be in better situation than the Citizen who with more honesty paid for his land.

Again, unless the most liberal Valuations are put upon the

lands released, another instance will be afforded where the delinquent or refractory citizens will be placed in a better situation by law, than those who with the greatest promptitude submit to the will of the Legislature.

It is in the instance of the late law enabling those who did not release their right, to recover from the State the Value of their Lands, to be found by a Jury who will be under no limits in price, and who can take into consideration every equity and every species of value.

With the fullest reliance on the Wisdom of the Commr's, I subscribe myself their devoted, Humble Servt.,

DAVID MOORE.

Letter from Charles Hurst.

Dr. Sir: I sold the State near 8,000 acres of land, abt. 1,500 on Lacawanna creek. Mr. Lloyd & the Surveyr spoke to me abt. 12 Ms. since, & told me the land above lay at Pittstown & was surveyed; shall esteem it a favour to be acquainted with the valuations and when you expect we shall have Certificr for it. I believe them lands were good one. Samuel & William Miller has a mill on part of it, and I am told its mostly settled Shall be glad to hear if the Lands on Susquehannah are surveyed under the Rights of St. William Petty, now Lord Shelburne, Arent Sonmans & Wm. & Letitia Penn, Guilielma Maria Penn. Yr. ansr. will oblige

Yr. Most Hble Servt.,

CHAS. HURST.

Nov. 18, 1802.
Thomas Cooper, Esqr.

Letter from Robert Harris.

Harrisburgh, December 1, 1802.

Dear Sir:

In consequence of the death of the late Dr. Ewing, of Philadelphia, I have become interested in the procurement of some Certificates which I understand is to be issued by you and other Commissioners on the part of the State, to the Estate of Dr. Ewing and others, for Wyoming lands, subscribed to the State of Pennsylvania; would thank you for information as to the time you expect the certificates will issue, as the Estate is much in want of some cash; the family would take it as a particular

favour if you would pay some attention to this business as soon as you can make it suit your official engagements.

I have understood from the Governor that certificates have issued to some individuals; would thank you to mention whether our Lands have been surveyed and valued or not, as Dr. Ewing died intestate: perhaps it will be necessary to issue the Certificates in the name of the Administrator; they are his two Sons John and Samuel Ewing, both of Philadelphia.

I would thank you for a line in answer to this letter, or if you should be going to Lancaster to meet the Legislature, would thank you to give me a call.

I am Dr. Sir, yours sincerely,

ROBERT HARRIS.

Thomas Cooper, Esqr.

———

Letter from Judge Jesse Fell.

Wilkesbarre, 15th Feby., 1803.

Dear Sir:

This will be handed to you by William Ross, Esqr., to whom I have given a Draft on you for 50 Dollars at 10 days sight; the payment is to discharge a debt in the hands of John Ross, Esqr., of Easton (now in the Legislature), for somewhere near that Sum. I have also drawn another order on you in favor of Ben. Perry, also payable at ten days sight, at 100 Dlls. We are progressing with enteries, &c., in the Office. Your letter to the Governor has been published, and remarks thereon by the Printer, or some other person, in the Wilkesbarre paper; this at first made some noise, but now it is over and I believe your reasoning will be generally assented to. I am in hopes the late riot at Wylusing Creek, if rightly improved, will be the occasion of bringing matters to a speedy Settlement. I have enclosed to Mr. Welles a Copy of an address from the Settlers in the 17 Townships, which I have requested him to shew to you, and I fondly hope there is such a disposition in the actual Settlers as will bring about a speedy accommodation of this too long and destructive dispute; they have determined to come forward as settlers, unclogged by the Delaware and Susquehanna Companies, and the present measures as by you recommended, pursued in the 17 Towns. If there should be a disposition in the Pennsylva. Claimants to meet the Settlers at reasonable price, I hope the whole will be brought to an amicable conclusion. As John Cooper also writes, I shall conclude on this side of the Sheet, by saying

I am your sincere Friend,

JESSE FELL.

Thomas Cooper, Esqr.

Letter from Col. Clement Biddle.

Philadelphia, Feb. 2, 1803.

Gentlemen:

In the month of May 1800, on Application to me by Mr. Lloyd, who he said was sent to me by his Excellency the Governor, I procured a Horseman's tent for your use and paid for the same $27\frac{60}{100}$.

I furnished the Bill to Mr. Lloyd, but he has never paid for it, therefore, I request that you will order payment to be made to me for the same or that you will certify the amount, that I may Apply for Payment to the Register or Controller General.

I am, respectfully,

Gentlemen, Your mo. obt. Servt.,

CLEMENT BIDDLE.

Commissioners for Settling Differences in Luz. Co. to Clement Biddle, May, 1800, Pd. Jas. Stewt for a horseman's Tent, delvd to Mr. Lloyd, $27\frac{60}{100}$.

———

Letter from William Bell.

Philadelphia, April 1st, 1803.

Sir: On the 5th January I took the liberty to address to your humanity, in behalf of a very distressed family, viz: David H. Conyngham's. If he could get the certificates for the lands ceded to the State of Pennsylva, the Banks have offered to take them as security, and give up or exonerate the Indorser on their notes, for which notes Conyngham is sued. Some Judgments are on record, and at September term many more will be obtained against them. The Banks have agreed to wait any reasonable time on being paid Interest on State security. All I wish to ask of you is do as much as you can with propriety for their relief. I will not add more, but leave your Benevolence to determine and do what your better judgment may think right. I am, with the greatest respect, your obedient Servant,

WILLIAM BELL.

N. B.—I am myself one of the most trifling creditors. I have taken trouble to assist that family. I have no other object.

———

Letter from Alexander J. Dallas.

April 2, 1803.

Dear Sir:

Let me trouble you with a letter, from Mr. Bell on the case of Mr. Conyngham's claim for a Wyoming Certificate. I men-

tioned what passed between us on the subject last January; and he feels perfect confidence in your Benevolence. Do me the additional, to direct M^r. Trimble to communicate answer.

In expectation of seeing you in a few days, I remain with sincere respect & attachment,

D^r. Sir, Your mo. obt.,

A. J. DALLAS.

To his Excellency Tho^s. M^cKean, Gov., &^c.

Letter from Richard Manning.

Jersey Shore, July 7, 1803.

Sir: Understanding you are a Commissioner, appointed by the State, to determine the claims of the Citizens of this State, on Lands situated in Luzerne County, at present possessed by New England intruders, I take the liberty of stating a claim I have on 120 acres, in the manor of Stoke, I have conveyed to the State in last July, 1802. I had entrusted the business in the hand of William Wilson, Esquire, deceased; after his return from the Assembly, I had not time to inform myself respecting the manner I ought to follow in having my just claims redressed, as he was taken of in a sudden; therefore, Sir, I pray you to inform by letter what method I shall pursue to obtain my property, for which I will consider myself bound to you, and will remain your

Humble Servant,

RICHARD MANNING.

N. B. —The land is situated in the Township that Wilkesbarre is in.

Letter from Anthony Morris.

Philadelphia, August 16, 1803.

Sir: My Friend Samuel Roberts, Esq^r., informs me that he has put into your hands the papers relative to some Interests of mine in North^d and Luzerne Counties. I am well satisfied Sir, with his disposition of them, and will be obliged by your attention to their several objects, for which I will willingly hand you the quid pro quo when I have the pleasure of seeing you, which will probably be in the Autumn; should you then be at Northumberland in the mean time, you will oblige me by having prepared what remains to be done on my part (to Entitle me to the Benefits of the Act of Assembly of 1799, rel-

ative to the Penn[a] Claimants of Land in the Seventeen Townships), with the tract of Land, a rough copy of the draught of which is enclosed, and which I find by a Mem. of yours furnished to M[r]. Roberts is in Putnam Township; my requests to M[r]. Roberts were that my tracts in the Townships might be released, and that he would inform me what was to be done by me pursuant to the act, the practice under which I have not been informed of; the same thing I wished also should be done for the Representatives of the late James Morris, Esq[r]., with a tract of land on the second fork, I think of Fishing creek, in one of the Townships, the papers relating to which M[r]. Roberts also had, and I presume are now in y[r] possession. What other Interests of mine, or the Estate of James Morris, are under your care, You will oblige me by being made acquainted with by M[r]. Roberts before he leaves Sunbury.

I am, Sir,
with much Respect,
Y[r]. Obed[t]. Servant,
ANTHONY MORRIS.

Thomas Cooper, Esq[r].

Letter from Samuel Baird.

Wilkesbarre, October 7th, 1803.

Sir: I was sorry to learn on my arrival at this place, a few days since, that you had had a severe time of sickness. But on enquiring of your Son was informed you were so far recovered as to be able to ride out. As I well know it will afford you a great satisfaction to hear of the Success of any measures taken towards settling the disputes about titles in this Country, I take the liberty of mentioning to you my progress up the river.

Altho' on my first arrival at the mouth of Tawandee I found several determined to oppose my surveying: a meeting was called for that purpose, and strongly urged by one Fowler, who from the number of his Sons and Sons-in-law is as formidable as an Eastern Patriarch (all on the Asylum lands). Yet owing more to good fortune than any peculiar address of mine, I have not only been able to survey, but of 48 Settlers on the Asylum lands on Tawandee, I have actually contracted with and run off the lots of 43; some trifling circumstances prevented my contracting with 4 others. But I have verbal agreements with them that satisfies me they will give no further trouble. One only remains, and he has put me at defiance. I have succeeded, however, beyond my Expectations, and hope

Dr. Rose will follow up the measure. I agree with Mr. Minor, who observed to me that a few strokes of this kind would make the Connecticut title of bad credit. I feel a regret however in mentioning that the Doctor has not yet made a single contract.

Whilst surveying the South branch of Tawandee we discovered an interference between Mr. Priestley's lands of Captain Sam. Morris of Philadelphia. I thought it best to have it ascertained and Mr. Whitacre has done so and will write Mr. Priestley.

I am, Sir,
with much respect,
Your obed^{t}. Servant,
SAM^{l}. BAIRD.

Thomas Cooper, Esq^{r}.

Letter from William Witman.

Reading, August 6, 1803.

Sir: I understand that the Commissioners are issuing Certificates to the Pennsylvania Claimants for the Lands that have been valued. I claim about 650 acres of Land within the Seventeen Townships, and in the Township of Newport, which I have conveyed to the State, under the Act of Assembly, and which I am told have long since been valued. You will much oblidge me by forwarding the Certificates for my Lands to the Secretary of the Land office.

I am, Sir, your most obedient
humble Servant,
W^{m}. WITMAN.

Thomas Cooper, Esq^{r}.

Letter from Alexander Hunter.

Sunbury, 12 O'clock, December 1, 1803.

Sir: Be so kind as to leave with Mr. Hamilton a few lines informing me what time I may attend at Lancaster in Order to have a trial before the Board of Property for them Lands on Lackawannock; please to give me any other Information and direction how to proceed the more speedily to obtain my Certificate and you'l

Oblige yours,
ALEXANDER HUNTER.

Thomas Cooper.

From Samuel M^{c}Clay, A Yankee township, Muncy half Share. Sixteen thousand Acres of land, known by the name of Braintree, lies adjoining the South line of Lancaster, and also joins upon Gilead, and is five miles square; is situated in the County

of Luzerne in the State of Pennsylvania; the chief town of the County is Wilkesbury, or Wyoming, being part of the Susquehanna Connecticut Company's Land.

What Situation is this tract of land in, and is the title valid, to those who purchase of David Leonard, who owns 2,000 acres in it?

———

Letter from Col. John Steele.

Lancaster, December 19th, 1803.

Gentlemen:

I have this moment been called on by Mr. David Moore, of Westchester, son to James Moore, who has released land to the Commonwealth, situate in the Township of Providence, and I believe part in Pittston. He is very importunate for his Certificates and requested me to write you on the subject. If the calculations are in such forwardness as to admit your having Mr. Moore's Certificates made out it will render him a particular service. I request the favor of a line from you on the Subject.

Am, with Sentiments of Esteem,

Gentlemen,

Your Obt., Hble. Servt.,

JNO. STEELE.

Messrs. Cooper & Taylor.

———

Letter from Col. John Steele.

Lancaster, Decemr. 22d, 1803.

Dear Sir:

As Financial arangements must be made during the present Session to meet the several demands against the Commonwealth, of which the Claims of Pennsya. Landholders, late in the Seventeen Townships, will be the greatest, I beg you will as far as the Calculation made will enable you, furnish a Statement of the Amount to be paid to Pennsylva. Claimants, and what will eventually be paid into the Treasury by the Connecticut Claimants. This information will be of importance to the Committee of Ways and Means in particular, and the Legislature generally.

I am, Sir, with due respect,

Your Obt. Servt.,

JNO. STEELE.

Thos. Cooper, Esqr.

Letter from John M. Irwin.

Philad^{a}., June 7th, 1804.

Friend: I have to request the favor of your assisting me, it being in your power. I hold lands in Company with John Smith; they lay in the 17 Townships and are Conveyed to the Commonwealth by Sarah Campbell and Rebecca Robins. The Warrantees names are:

Adam Clock,
Benj. Bear,
W^{m}. Smith,
Rudolph Hope,
Jeremiah Talbot &
David Newswanner.

By your returning the valuation of them I may get my Certificates, which you may depend I am in want of.

I am, Sir,
Your Most ob^{t}. Serv^{t}.,
JOHN M. IRWIN.

Thomas Cooper, Esq^{r}.

———

Letter from John Pawling.

Providence Township, Montgomery County, 11 June, 1804.

Gentlemen:

Agreeable to M^{r}. Taylor's request that I should Note particulars respecting the Money arising from the Wyalusing tract, I have promised it to my son-in-law, Robert A. Farmer, to enable him to go to Louisianna to prosecute his claims for his Lands in that Country, as the Commissioners have met there and the time is limited for the Claimants to prove their title to 10th September. So, therefore, Gentlemen, if you could facilitate the Certificate, and send me p^{r}. post, it would be conferring a great favor, and rendering an Essential Service.

I remain with great
Respect & Esteem,
Gentlemen,
Your most ob^{t}., Hble. Sev^{t}.,
JOHN PAWLING.

Thomas Cooper and John M. Taylor, Esq^{rs}.

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Letter from John R. Coates.

Carlisle, July 5th, 1804.

Sir: The Secretary of the land office informed me that it

was probable the Certificates were made out for the Luzerne lands belonging to the late proprietaries. I am induced to send an express to you in hopes the papers may be in your possession; if they are at Wilkesbarre, be so good as to direct the Messenger on whom to call there. If they are not all made out I will thank you for as many as are; my reason for Sending at this time is that I may call at Lancaster when I return to Philadelphia.

I am, Sir, respectfully,
Your Most Obed^{t}. Serv^{t}.,
JOHN R. COATES,
Att^{y}. in fact for J. & R. Penn, Esq^{r}.

Thomas Cooper, Esq^{r}., Sunbury.

Letter from Nathan Beach.

Salem, July 8, 1804.

D^{r}. Sir: The next day after my return home from Lancaster and Philad^{a}. I went to Wilkesbarre, where I expected to have seen you and given you a full Statement of my interview with M^{r}. Ellicott, and afterward with the Gov^{r}., which is too lengthy for me a poor writer to Communicate by Paper, &c. I will only add that M^{r}. Ellicott says he knows not such a man as Ja^{s}. Stackhouse; that he never said such a thing to any man; that the papers in dispute between the Comm^{rs} and them, had been long since left with the Attorney Gen^{l}. for his decission and that they did not care one Cent which way he decided (that part I did not believe); but at the same time telling me should the Att^{y}. Gen^{l}. order Patents to issue on the Certificates, as made out, the Office could not attend to our Patents this Summer: said I, not give us one this Summer? they would not promise, so ended that business. On my return to the City, I called at the Att^{y}. Gen^{l}., he not being at home and not expected 'till I would leave the City, I then took Courage and dashed down to the Old Gov^{rs}. I there introduced the Subject without ceremony, and in my blundering, farmer-like manner, gave him a full Statement of what had passed at Lancaster with the Board of Property, also the Situation of our Country in consequence of Patents not issuing on the Certificates, &^{c}.: after asking me where I lived, &^{c}., and being informed my name, &^{c}., he told me he was very happy that I had called on him, that he well knew the Situation of them who had been active in getting the Law of '99 in Opperation, together with the Comm^{rs}. appointed under said law, on account of delay of Patents, &^{c}. That he was sorry a dispute had taken between

the two boards. But, said he, I believe the Board of Property to be right as to matter of form. But the Board of Commrs. are right as to matter of substance. I wishd to have the Substance and the Land Office Could keep their forms; the Govr. then told me the Attv. Genl. had decided in favor of the Commrs. Certificates; that the Govr. himself would in 4 days from that time go to Lancaster and take with him the decission, order the Board to issue Patents on application of any settler producing a Certificatef rom the Commrs.; that I should inform my Neighbours from him that any of them wanting their Patents to come down in Eight days from that time and they should not be withheld from them. I then told the Govr. I saw a Spirit of opposition with Some of the Board should they be directed to issue Patents, they intend to get off by saying they cannot attend to it this Summer. But, said the Govr. they shall issue them, and that I will see to it, &c. I then left the Govr. well pleased that I had call'd on him. Should you return to Wilkesbarre soon and can make it convenient to come and tarry with me, will be esteemed as a particular Obligation Conferred upon, Sir,

Your Friend and Servant,

NATHAN BEACH.

Thos. Cooper, Esqr., Northd.

Letter from John R. Coates.

Philadelphia, July 9, 1804.

Sir: I lately sent an express to you at Sunbury, but you must have left that place before his arrival. I heard of your coming to Philada. & hastened from Carlisle that I might see you before your departure.

If I do not succeed in meeting with you, be good enough to leave a line at Tomlinson's Bar, informing me whether the Certificates for the Proprietaries land in Luzerne have been made out. And if so where they are and how I am to obtain them? By taking this trouble you will greatly oblige, Sir, respectfully,

Your mo. obedt. Servt.,

JOHN R. COATES,
Atty. for J. & R. Penn.

T. Cooper, Esqr.

Letter from Joseph Reed.

Phila., July 13, 1804.

Dear Sir: Under an idea that the two tracts of land within

mentioned were within the limits of the Seventeen Townships, I conveyed the Same to the Commonwealth.

It appears, however, that they are not & I have some difficulty in procuring my Title again from the State, and I am informed that it cannot be done without a Certificate from the Commissioners; will you, my dear Sir, be so obliging as to forward to me a Certificate that they are not within the Seventeen Townships. Your early attention will Oblige,

Your humb^{l} Serv^{t}.,

JOS. REED.

Jn^{o}. M. Taylor, Esq^{r}, Wilkesbarre.

Andrew Caldwell 301,120, situate on the head Waters of Legates Creek and Lackawannock, adjoining Geo. Fullerton.

Samuel Caldwell 32,490, about two miles North of the above, and on the the head Waters of Tunkanock, near lake Chapman.

———

Letter from John Evans.

Philad^{a}., July 19, 1804.

Respected Fr^{d}., John M. Taylor:

Thine of the 7th instant from Wilkesbarre came to hand, and am much obliged by the information, & as my Fr^{d}. Nathan Beach, Esq^{r}., is in your Country, & I suppose often at Wilkesbarre, be so obliging as to see him on the occasion of my business; he has seen the Original receipts for the money being paid E. Physick, as Attorney for the Proprietors, & has a Copy of them, & are in the name of John Evans and Robert White, & from Robert White I have a release long Since. I trust my Fr^{d}. Taylor, as a fellow Citizen, will aid me in legal way in his Appointment in the land business, in detecting this Shameful attempt of deception by those young men that represented the Estate of Reuben Haines, & please to consider this application not only as a Citizen, but so far as regards them and Others in the appointments of the lands as legal applycation, & as I am a Stranger to the mode you will be so obliging as to note it on your Minutes to prevent any payments to the Estate of Reuben Haines, or the young men who effected the release from me, & as to Robert White that I have a release from; he has been dead upwards of twenty years. I need not appologise for this, as I am convinced all those Gentlemen associated in the land business would not Countenance such deception as is endeavouring to be practised on one by the release of my Land. Am with Sentiments of esteem thy Fr^{d}.,

JOHN EVANS.

John M. Taylor, Esq^{r}.

Letter from John P. Helfenstein.

Lancaster, July 24, 1804.

Sir: Your favour of 20 Inst, was duly handed me, per Mr. Christopher Mayer, and in answer have to inform you from information received of the Secretary of the Land Office, that it is necessary for you to make application to the Commissioners, who reside at Wilkesbarre, in Luzerne County, from whom you will receive authority to get the Compensation allowed.

Your Obt. Hble. Servant,

JOHN P. HELFENSTEIN.

Letter from Peter V. Dorsey.

Philadelphia, July 28, 1804.

Gentlemen:

In December, 1803, I conveyed a Tract of Land lying in Luzerne County, within the Connecticut claim, to the Commonwealth, and delivered the Conveyance, together with the Instruments of writing thereto, to the Secretary of the Land Office. I lately wrote to Lancaster respecting my Compensation for said Land, when I received the enclosed Letter for answer. I have, therefore, to address myself to you on the Subject, and request that you will please to transmit the Instrument which shall be necessary to enable me to obtain from the State for my said tract of Land.

I am, Gentlemen,

Your Mo. Obt. Servt.,

PETER V. DORSEY.

The Commissioners, &c.

Deposition of William Montgomery.

Northumberland, ss:

Before me the Subscriber, One of the Justices of the Peace for Northumberlnd County, personally came William Montgomery, Senr., and being duly sworn, according to law, doth Depose and say that by virtue of an Act of Genl. Assembly of Pennsylvania, passed 29 Septr., 1787, the line of Luzerne County should be from the Mouth of Nescopeck creek North One Degree West, till it should intersect the high lands dividing the Waters of the West branch of Susquehanna from those of the North Branch, and in a subsequent Section of the same Act Timothy Pickering, William Montgomery and Stephen

Balliet were appointed to survey up to that Land, all the lands claimed by the Settlers at Wyoming, in Order to enable them, of whom the Deponent was One, to proceed and execute this Duty, it became absolutely necessary first to ascertain said line; for which purpose they all three met at Berwic, either in the fall of 1787 or 1788, the Deponent is not very certain, but rather believe it was 1788, pretty late in the fall, and proceeded with Surveyor and 2 chain Carriers and a Marker, and ran the line North One Degree West from the Mouth of Nescopeck about Eight miles and perhaps a half or three Quarters, until they were opposite or nearly so to the place called the Town hill in Huntingdon Township, and having taken a view of the top of said hill from two different stations thought they had sufficient information for the purpose intended and ran no farther; and so far as the Deponent can recollect the Sole reason for not going on was because the law was silent as to our pay. The Deponent haveing been lately appointed One of the Commissioners to run the lines between Lycoming, Luzerne and Northumb^{d}, and in Order to ascertain the point where Luzerne, Lycoming and Northumberland all met, it was absolutely necessary to continue the line from where Colonel Pickering and his fellows had run it before; accordingly the Deponent went to the place, found the marks where they had before left off, and in Company with W^{m}. Clay, Jun^{r}., and Henry Donnell the other Commissioners, run it from thence towards the Mountain till Evening came on; the course we ran was N 2 West, allowing this Degree for variation, so that the whole might coincide. The next morning I left the Comm'rs and by the return of their notes it appeared that they ran that line to the top of the Mountain, where it intersected the line between North^{d} and Lycoming, where they fixed a Corner, and to the best of this Deponent's Recollection the field notes were sent with Colonel Pickering to be laid before the Supreme Executive Council, and further saith not.

Sworn and Subscribed before me this 1 Day of Aug^{t}., 1804.

W^{m}. MONTGOMERY.

———

Northumberland County, ss: Personally appeared before me the Subscriber, One of the Justices of the peace for the County aforesaid, Gen^{l}. William Montgomery, who on his solemn Oath doth depose and say that the within Deposition is just and true to the best of his knowledge.

Witness my hand and Seal this 1 Day August, 1804.

[SEAL] WILLIAM MONTGOMERY.

Letter from Lord Butler and Rosewell Welles.

Wilkesbarre, August 3rd, 1804.

Messrs. Thomas Cooper and John M. Taylor, Commissioners, under the Act of April 4th, 1799.

Gentlemen:

The uncertainty the Connecticut settlers are still under, when the Certificates by you given will ensure a Patent from the Land Office, the various and contradictory reports that has been circulated on the subject, the hindrance it occasions to the Opperations of the Commission under which you act, by preventing the delivery of Connecticut Deeds, and the confirmation it affords to the hostile prophecies of the enemies to the compromising Law, render it extremely desirable, and indeed absolutely necessary, that some publick information should be given to satisfy (if possible) the agitation of the minds of those who have hitherto relied implicitly on the Honorable intentions of the State, and the integrity of the present Commission. As a committee of a meeting convened for the purpose, we request of you, Gentlemen, to inform us whether if we send down our Certificates to Lancaster, with the money thereon due to the State from the Connecticut Claimants, there is good reason to believe that Patents will issue for the Land certified without delay? The Committee are Also instructed further to add, that certificates heretofore have been presented and patents requested, but the Board of Property have declined issuing them, and their reasons for so doing it is understood are the following, to-wit: That the Patents must recite the Land as being released to the State or not released, and as the Certificates do not furnish this information, the Patents at Present, it seems, cannot be granted. Whether you have made or expect to make arrangements for giving this information, which the Board of Property deem so necessary, is what the Committee wish to know, if You, Gentlemen, should deem it expedient to inform us.

We are, Gentlemen, with much
Respect, Your obdt. Servts.,
LORD BUTLER,
ROSEWELL WELLES.

———

Letter from Thomas Lukens

Falls of Beaver, June 20, 1803.

Sir: I received a letter from you of the 25th of March a few Days ago, respecting some lands released by me to the Commonwealth. The greatest proportion of the lands are in the follow-

ing Situation: left me and others as heirs of the Estate of John Lukens, Deceased, formerly Surveyor General, which papers were deposited by Major David Lenox, the acting Executor in the Bank of North America, when he went to Europe; as he has returned no Doubt remains on my Mind but every attention will be paid to the Business. There is One tract of mine, independent of the above, left me by my Brother, Captn Jesse Lukens, of the 2d U. Ss. Regiment; this from information of Genl. W. Montgomery, of Danville, N. Bra. Susquea., lies in Huntingdon, One of the Townships in Dispute; the papers and Documents I left with a Friend near Milton, No. Bra., some time ago. I will here insert an Extract from the Will of my Brother.

Item.—I give and bequeth all that tract of Land lying and being in the County of - — - and on both sides of big fishing creek, on the Susquehanna River, surveyed by Wm. Montgomery, Esqr., in the Year 1784, by virtue of a Warrant in the name of Jesse Lukens, containing 425 acres and upwards, and the usual Allowance, to my Brother, Thos. Lukens.

If the land cannot be got at by the above information, I would thank you to let me know, and any trouble you may be at shall be cheerfully paid; please to write by Mail, as the letter you wrote lay in Beaver Town better than a Month after the return of General, the great Genl. Laycock, by whom it was sent.

I am, Sir,

Your mo. Obed.,

THOMAS LUKENS.

Mr. Thomas Sambourne.

Letter from Robert A. Farmer.

Birdsborough, Berks County, 14 June, 1804.

Sir: Inclosed is a Letter from my worthy Friend Genl. Nichols, as I had not the honour of your Acquaintance he was kind enough to be my Advocate, that I might be enabled through your means recover my Birthright, which was taken from us by the Spaniards in 1781.

I perceive by the Newspaper that the Commissioners have met at the Natchez and Mobile, and the time will expire by the 16th Septr. for the Landholders to lay in their claims. So you will conceive, Sir, how necessary it is for me to be in that Country by that time, where my Family has upward of two hundred thousand Acres of Land, part of which we have settled and made considerable Improvements on, before it fell to the Arms of Spain.

Mr. Pawling, my Father-in-law, has given me the Money come from the Commonwealth for the lands he holds in Wyalusing, have therefore to beg that you will be pleased to send the Certificates either to him or Me; he has wrote a few Days ago by Mr. Stalford respecting the Business.

Do Sir let me entreat you to be expeditious, as it will be the means of saving a large family from want; relying therefore on your Goodness, I subscribe myself,

With Esteem and regard,

Your mo. obt. Hble. Servt.,

ROBT. A. FARMER.

[July 27, 1804, Answered that John & H. Pawling alone or their Assignees are entitled to receive the Certificate.]

Letter from John Donaldson.

Dear Sir: Agreeably to your polite Offer of enquiring into the Situation of Lands belonging to the Estate of E. Milner, I enclose you a list and request you will be so good as to forward the Certificates of such as fall within the Townships to be paid for by the State and advise me thereof.

I am, with respect,

Your Friend,

Jno. DONALDSON.

J. M. Taylor, Esqr.

329½ Acres George Tudor, Hoopenny Creek adjoining J. M. Nesbitt.

287 Do. Thos. Ryerson, on the Waters of Lackawannock, adj'g Land of G. Graham.

306 Do. James Care, on Tunckhannock, adjoining Land of E. Shippen and A. Allen.

291 Do. Edward Milner, on Tunkhannock creek, adj'g Land of Geo. Fullerton.

237½ Do. George Fullerton on Do. adjoining Do.

297¾ Do. Robt. Wilson, on Meshopping, adj'g lands of John Wharton.

256-70 John Lad Howell, on Hoopenny Creek, adjoining and above lands of George Tudor.

The warrants for the above lands are all dated in 1774, 1775.

Letter from James Orbison to George Duffield.

Chambersburgh, 18 March, 1804.

Dear Sir:

I mentioned to you, just before I left Lancaster, that I had written to Mr. Taylor, One of the Commissioners of the Luzerne

Business, to have the Certificates for the lands released by M^r. Patterson prepared, and make any Communication to you; in my letter to M^r. Taylor, I mentioned that if the Clarks would make some Exertions out of Office hours to have this Business finished, I would allow them a reasonable Compensation, which I authorize you to do, should I not have it in my power to see the Gentlemen. If you have received any Accounts from M^r. Taylor I would thank you to inform me. I have been confined by ill health almost since I returned from Lancaster, but hope I am now over the worst.

My Respects to M^rs. Duffield, and with esteem,

I am, Sir, y^r Hble. Serv^t.,

JAMES ORBISON.

M^r. Geo. Duffield.

Letter from Col. Stephen Balliet.

Whitehall, Aug^t. 13, 1804.

Gentlemen:

I received your letter of the 27 Ult., and will answer y^r Questions to the best of my Memory. 1 Query. I do not remember the time of the running the County Line, it was during the time the Comm'rs were sitting to receive claims under the Act generally called the Confirming Act, when Timothy Pickering, W^m. Montgomery and myself left Wilkesbarre to run the line, as directed by the Act of Sep^r. 29, 1787, in order to ascertain in what manner it would affect the Township of Huntingdon. M^r. Montgomery, a Son of One of my Colleagues, was Surveyor, the line was begun and run as the Act directed, until We arrived in the Township of Huntingdon, on a place called the town plot, which is nearly in the Center of the Township. 2^d. The line was discontinued because (having a Map of the Township) we could ascertain the claims on either side thereof, which was the object of running the same at that time.

3^d. W^m. Montgomery, and his son the Surveyor, were of Opinion that the line would not strike the dividing ridge, but would cross the river above Wyaloosing.

4^th. Agreeably to the provisions of the Confirming law, we considered the whole of the Seventeen Townships in Luzerne County, and believed that the Legislature had no intention or knowledge of the line dividing Huntingdon.

5. I do not remember whether we received any claims West of that line; but if any had been offered, we should have received and filed them, because we considered them fully within the intention and provisions of the Confirming law. And be-

ing well satisfied from the best information, that the line North One degree west would never close the Western Boundary of the County, and that a line run from Nescopeck, to the Ridge dividing the waters of the East and West branches of the River, would leave the Township of Huntingdon entire in Luzerne County.

Under these circumstances Legislative Interference was deemed necessary, but I do not remember whether the facts were reported to Government or not, if not, it was owing to the violent Discomfiture of the Board of Commissioners, who never afterwards rallied to resume that Service.

This, Gentlemen, is a true Statement from the best of my Memory, not having any Memorandum as to time or Circumstances, it may be probable that Col. Pickering or M^r. Evans, Clerk to the Board, may have some Memorandums or a better knowledge of facts, as they were the last who retreated from the Castle, and may have taken some of the papers with them.

I remain, Gentlemen,

Your Obedt. Serv^t.,

STEPHEN BALLIET.

Tho^s. Cooper, J^no. M. Taylor, Esq^r.

— —

Letter from Matthew Cavell.

Wilkesbarre, Augt. 22^d, 1804.

Dear Sir:

Notwithstanding having had but little incouragement of having placed on the same footing with others those lots in Newport, which have the unfortunate word non residented anaxed to them in the draft by which you were governed in your proceedings relative to said Township; however, 'till lately I have entertained a hope they would be included, but now learning that the time is approaching when you are to leave the business, and that nothing is done to fix us in a Title, and fearful that nothing will be, and if so my property, with several others, will suffer materially thereby, and in my humble opinion, without any advantage being derived therefrom to any quarter whatever. Those circumstances taken into consideration, you will not be surprised, Sir, at my extreme anxiety for a serious and Candid reconsideration of the matter, and if you find admitting them, will worke no publick nor private injustice or inconveniences, but on the contrary establish the rightful owners of the Lands in a title and peaceable possession thereof. I humbly hope and trust that you will be able from the documents you have on the Subject, to make a

chain of title of such perfection as will stand the test, and direct the Certificates to be made out therefore, and thereby preserve many from serious difficulties and from almost inevitable ruin.

I am, Sir, your obedient and humb^{l} Serv^{t}.,

MATTHEW CAVELL.

To Thomas Cooper, Esq^{r}., State Commissioner.

Letter from Robert A. Farmer.

Lancaster, 10th September, 1804.

Gentlemen:

Compelled by necessity to Address you again, must intreat that you will be good enough to forward the Certificate for M^{r}. Pawling's Land, as I am full empowered to receive the need proceeds, have Shew my power to M^{r}. Ellicott, who is satisfied with it, and told me I should not be detained a minute if he had the Certificate; remember, Gentlemen, your promise to me a month ago that you would forward it immediately, relying fully upon y^{r}. goodness.

I subscribe myself,

With perfect Esteem and Respect,

Gentlemen,

Your most Ob^{t}. humble Servant,

ROBERT A. ffARMER.

Letter from Andrew Ellicott.

Land Office of Pennsylvania, October 10th, 1804.

Gentlemen:

Your letter to the Surveyor General, containing remarks on his note to M^{r}. Beach, has been laid before the Board of Property, to which I am directed to reply. On perusal it seems to divide itself into the following heads:

1st. That the Surveyor General's note contained some improper requests of M^{r}. Sambourne, which was intended to lead him to be employed in business improper and unnecessary to the Commission. 2^{d}. That reciting the Pennsylvania release in the Patents to the Connecticut Claimants is expressly made unnecessary by Law, and that even the Attorney General's Opinion does not state it as necessary.

3^{d}. That fraud is intended by the Board of Property and the Legislative and Executive branches of the Government, "Which will not on any human consideration consent to be instruments in," the object of which is a repeal of the Supplement of 1802.

So that the Connecticut Claimants, after giving up their title Papers for the whole Lands, will not in return receive Patents for any but the released parts, that an intention of that kind was made by Mr. Matlack to Mr. Cooper at a Meeting of the Board. I shall endeavour to answer each of these heads in Order:

1st. I am authorised by the Surveyor General to state that so far from intending to make any request of Mr. Sambourne that his object was, and he believes he has so expressed it, to inform Mr. Beach that he would not write to Mr. Sambourne as he had been requested, lest it might be considered as an interference with an Officer of the Commissioners.

The Board, however, conceive there would have been no impropriety in his desiring Mr. Sambourne to return connected Drafts of the Seventeen Towns, particularly as it is well recollected that Mr. Cooper at the time he made his Objections before the Board, to the recital of the Pennsylvania release in the Commissioners Certificate, as he had at first agreed to do, that he proposed, in lieu of it, that Mr. Sambourne should give the information in his returns of Survey, which has been done in the Town of Newport, by the return of a connected Draft, showing the lands released by the Pennsylvania holders, and the lots Submitted by the Connecticut claimants.

2nd. On the first part of this head, the Subject having been submitted to the Attorney General for his official Opinion on the construction of the Laws in question, and the Board having determined to Act in conformity to his Opinion, decline entering at present into any reasoning on the Subject. With respect, however, to that Opinion, a copy of which was handed to Mr. Cooper, if the Attorney General has not stated that the recital of the Pennsylvania release was necessary, he has stated what is tantamount to it. I will quote his own words:

"I have considered the case, and the questions stated by the Board of Property, and I am of Opinion, that it is best the Patents issued to the Connecticut Settlers, under the Acts of Assembly referred to should recite the release." The Commissioners then, it seems, do not think that the Attorney General considered the "best" way as necessary.

I shall here take the liberty of recalling Mr. Cooper's recollection to an early Stage of this business.

In his letter, dated the 28th of May, 1802, he says, "I send you a form of our Certificate, which I fancy comprizes all the particulars necessary, to facilitate the examination of it on your part. If you approve it, let me know." This Certificate contained a recital of the Pennsylvania release, and was perfectly satisfactory to the Board, except that it wanted the number

of the Connecticut Submission and the date of the Pennsylvania release, for which it is believed Blanks were left to be filled up. A short time prior to this the form of a Patent, on the same principles, was submitted to the Governor and received his Approbation. It might now be asked who has acted inconsistent? Did M^r^. Cooper, at the time he and the other Commissioners submitted that Certificate to the Board, mean to give his aid to enable us to do an Act which he conceived to be morally wrong? or did he intend to furnish us with the means of inserting in the Patents a clause that could answer no other purpose than to throw doubts and suspicions on the Patent itself?

3^d^. As far as the Members of the Board are implicated, I am Authorized by them to State, that not one of them nor any of their connections, to their knowledge own one Cents worth of Property within the Seventeen Towns, or within the County of Luzerne, they, therefore, can have no temptation to commit "fraud," nor any interest in doing wrong. It is not recollected by M^r^. Matlack, or any other Member of the Board, that he ever said what M^r^. Cooper has asserted.

There never was an Idea entertained, much less expressed, by any Member of the Board, that Patents would issue only for the released lands. Indeed it has been their constant practice to declare, to those Interested, with whom they had an opportunity of conversing, what they always believed and still believe to be the Truth, that the Government would carry into effect with perfect good faith, all the laws in force relative to that subject.

With respect to your Suspicions of the Legislature and Executive passing a Law with a view to its future repeal, for the purpose of committing a fraud on a particular class of Citizens, does not require an Answer from me. Those respectable branches of the Government need not my aid to defend them against two of their own Officers. Your offer of cheerfully labouring to give us the information we have desired, after it is discovered we have no occasion for it, is properly appreciated.

I am your Ob^t^. H^ble^. Ser^t^.,

ANDW. ELLICOTT.

Secy. L^d^. Office.

John M. Taylor & Thomas Cooper, Esq^rs^., Comm^rs^., &^c^.

LETTERS

FROM THE

SECRETARY OF THE LAND OFFICE

TO THE

STATE COMMISSIONERS

APPOINTED UNDER THE ACT OF APRIL 4TH, 1799.

[The Letters which follow are simply designated by Numbers.]

LETTERS FROM THE SECRETARY OF THE LAND OFFICE

To the Commissioners appointed under the Act of April 4th, 1799.

(1.)

Land office of Penn'a, Mar. 31, 1801.

Sir: I made two attempts to find you on the 29th without success. A general draught of the lands in the Angle made by the N. Yk. line and the East bank of Susquehª. was left at your lodgings. It was prepared for the use of Colonel Abraham Horne of Easton, the Agent under the Act of the 16th Ult. The tracts near the river marked thus ⋌, with a Black lead pencil, are possibly within the Seventeen Connecticut Townships. If so they are within your Jurisdiction. It may be well, therefore, to have a Copy made of all that part of the draught which lies between the East Branch of Susqª. and the Curved pencil line which I drew on it; that part of the Map includes all the tracts marked thus ⋌, the rest of the Map is necessary for the use of Col. Horne.

After you have caused that part to be Copied, I wish the whole Map transferred by any safe hand to Easton, for Colˡ. Horn, who lives there. It is very desirable to have this very soon done. I presume Mr. Sambourne can execute this little Matter for you.

You know that Messrs. Thomas Boude, of Columbia, Lancr. County, Genˡ. Wm. Irvine and Genˡ. Andrew Porter, of Montgomery, were the first Commrs., and John Shippen, Esqr., of Shippensburgh, Pennsylª. was their Clerk. It will be well to ascertain quickly whether all these Gentlemen, of whose resignation you are not Certain, mean to go out. It will be a very desirable thing to have any vacancies filled well and instantly; a very early going out, and a long Season of active and judicious exertions, appear to be necessary. Genˡ. Boude will get your letters by post, as he lives at Wright's Ferry; he is chosen for Lancaster County, a Member of the house of representatives, to meet in december next; but if sooner called he must be unable to attend to both. It would be well to ascer-

tain his Intentions of serving, and to press upon the Gentlemen the Necessity of going out early and taking order for that purpose soon. A meeting at Lancaster may be useful or Necessary, and will be Convenient to Mr. Boude. It took place last year; every preparatory exertion is necessary to prevent delay, Where Business rests on three Commissioners, a Clerk and the Surveyors. Genl. Irvine can give you information where to take up the Business, to find the Surveyors, &ca.; one of them, Mr. Samuel Rees may be reached by the Mail to Norristown, in Montgomery County; another, Mr. Samuel Baird, lives in the same County, and his direction may be had from Mr. Anthony Carothers, Corner of 4th and Branch Streets, above race, or at his Ironmongery Store, almost opposite to Mr. Atty. Genl. McKean. Genl. Irvine was hourly expected in the City and will be at Mr. Beckley's.

There is another Sheet, like that I left at your house, which joins it on the Southside and on the river; this Mr. Carothers has, and he promised to lend it to me to have copied by a Mr. Jones, who lives at Capt. Loxley's, between front and second, in Spruce Street. I think Mr. Carothers would lend it to you; have copied all that part within 5 or 6 miles of the river which is in tracts less than 40 acres. The 400 acre tracts are subsequent to the decree of Trenton. The tracts held by title before the decree of Trenton are less than 400 tracts; the latter then need only be copied, because the former are not within your Jurisdiction.

I finish in haste, tho' I had expected to be more full. A person going to-morrow offers to take my letter. I will write again.

I am, Sir, very respectfully,

yr. mt. obt. Servant,

TENCH COXE.

Thomas Cooper, Esqr.

You will be pleased to observe I do not Claim to instruct the Commissioners, but in Consequence of your invitation, shall Constantly offer information and suggestions, which appear likely to promote the public interests, or facilitate the operation of the Commissioners.

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(2.)

Lancaster, June 2, 1801.

Sir: I find Mr. Wilson is to be here this Evening, so that I have an opty. to cover to you a rough Article of Information, which it may be useful to insert in both the papers at Wilkesbarre. I think the publications of facts, from the paper I ad-

dress to you in print, will be usefully made in both the federal and republican papers. I shall be glad to receive a file of the federal Newspapers back to March 1st, if you Can procure it for the public service and send it to me here, or Under Cover to the Governors, Philadelphia. I am told there are things in it that ought to be disproved and answered.

This Morning about ½ after 11, poor Mr. Muhlenberg was taken after an hour's regular Business with an Apoplexy, which threatens him seriously; he would certainly have died had he been alone and in his Bed. He had every Assistance immediately. In haste.

Your most Obedient h. Servant,

TENCH COXE.

Thomas Cooper, Esqr., Northumberland.

Late Connecticut Claim * * * the thousand and twelve lots and tracts of Land, formerly claimed under Connecticut, have been submitted by the late Claimants thereof, and Applications have been made to obtain Pennsylvania titles and patents for the same, for a valuable Consideration to be paid therefor by the late Connecticut claimants. The quantity of land is nearly equal to the whole contents of the Seventeen townships. It is known that a very few of the old Settlers have omitted to submit, but it is plain that the Numbers and the extent of their Claims must be very small since there is very little land in in the Seventeen townships, that is not submitted. It appears that the Pennsylvanians have been so respectful to the plan of the State, and so liberal towards the old Settlers, as to release very large quantities of land. These releases appear to be much greater than the quantity reported to the Commissioners under the Confirming as belonging to the Pennsylvanians within Townships. Those Commissioners reported about 110,785 Acres.

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(3.)

Lancaster, June 3, 1801.

Gentlemen:

It is probable that it will be useful to publish the letter of Messrs. Tilghman and Hodgdon, with the form of disclaim and Submission in the Wilkesbarre papers. Copies are in the enclosed Lancaster paper of this day. In the same paper is an Article with respect to the Commissioners under the Lancaster head, which it may be well to have republished, as it shews the great extent of the Submissions; the incipient droppings of the Waters of truth of important facts is necessary to Conviction in prejudiced Minds.

I beg the favour of your procuring at the public expence, and for the public use, the paper (not Wright's) considered as federal from the 1 of March to this time. I hear that there are many things therein that require to be explained on the part of Government. It appears by the paper I gave you that about 110,000 acres of Land was supposed by the Commr^s. of 1787 to have been taken up under the Penns within the 17 townships. The Office opened in the old purchase July 1, 1784, and in the new purchase (north of Tawandee and west of the N. E. Branch of Susque^a. in May, 1785. It would be useful to obtain from the Connecticut people a list of the Warrants that are laid, as they conceive, upon Lands in the Seventeen townships. The Warrantees names, the dates and the quantities, both in the Warrant and return would be useful. It would be well to get it in every township, where it may be found practicable, merely as useful general information. It is probable that Judge Wells might give or get it.

Wright, Hollinback, Beach, Bowman, &^c., who have been purchasing Pennsylvania rights, might avoid or even frustrate it. But I should think Franklin, Jenkins, Lord Butler, Gore and Wells, and others who have taken little or nothing under Pennsylvania rights, would be likely to possess such information now; it would be well to draw it out of them at once; they probably have papers on the Subject. It appears that the rights prior to 1783 are about $\frac{2}{3}$ of the townships; all the rich flats or bottoms on the east side and on the west above Tawandee are taken by old rights, so that the remainder in the old purchase must be generally.

The Susquehanna Company did not include Iron, coal and other Mines in these papers purporting to be grants. I hurry this off for fear of losing the Conveyance.

Y^r. respect., humble Servant,

TENCH COXE.

The Commissioners.

(4.)

Lancaster, June 16, 1801.

Gentlemen:

I learned with pleasure to-day that you had been able to proceed last Wednesday. A great deal of uneasiness is given here by a report that one Thayer, who has sold 100,000 acres of Land as in the Connecticut Claim, has been released from Bail and Consequences at the last Luzerne Court; it will be useful to obtain a precise knowledge of the Case.

Misrepresentations have been made of some offer of Col. Horn to compromise the Business of the Claim within the Intension, which I am sure he had no authority to do, and would never think of offering without Authority. I wish a Copy of his letter and his Message thro' Mr. Hollenback, Jr., could be got and sent.

I am getting the Statement into Lycoming, Wayne, &c., but I think the Copies in the 2 papers of Wilkesbarre will be the most useful and important. I hope you have succeeded to get them to insert them. I sent you a Complete Copy, and desired another to be sent from Philadelphia, and now send you a third.

20 persons have been applying here to find out the Pennsylvaniania owners of Land on Tyoga heads, I believe with Sincerity; but we are not to trust to anything but explicit written Submissions.

This goes by a person bound to Tyoga point; he does not stay long, so that I am forced to conclude myself, Gent.

Yr. Mo. Obt. Servant,

TENCH COXE.

Board of Property of Penns., June 6, 1801.

Present, Tench Coxe, Secretary of the Land Office, Samuel Cochran, S. G., Timothy Matlack, M. Rolls.

On Sundry connecticut Settlers Submissions. It appears from a letter and endorsements of Nathan Palmer, Esq., prothonotary of Luzerne, and otherwise that had been delivered at his Office, and subsequently to the last day of December, 1800, that sundry like submissions had been received through other Channels, but that for want of timely transmission by the Submittees, or for want of timely execution by them, the Submissions had not reached the Land Office until after the last Day of December aforesaid; Whereupon, the Board are of opinion that the acceptance of all Submissions be suspended, which have not been actually received at the Land Office before the first day of January, 1801; the 5th Section of the act of April 4th, 1800, requiring that the Claimants should make application at the Land Office before that day.

A true Copy,

TENCH COXE,
Secretary of the L. Office.

(5.)

Land Office of Penns^{a}., June 24, 1801.

Gentlemen:

It was necessary to pass under the View of the Board of property sundry cases of Submission, who had not actually placed their Instruments of Submissions in their Office before the first day of January, 1801; they were variously circumstanced as to dates; receipt here by post after December, by the prothonotary of Luzerne, before and after 31 Dec^{r}., 1801, &, &^{ca}., but they all were under one Circumstance, that of not being in this Office on or before the 31 Dec^{r}., 1800. They appeared to the Board incapable of being accepted, but they deemed it best not to take order preremptorily. The Submissions may, if they see proper, make application upon the Subject. It will be well to let your Clerk make a Copy of the above Act of the Board and insert in a Newspaper or put it up in your Office or both. It can be mentioned to M^{r}. Palmer from whom the greater part of them were received.

I have sent you by 2 or 3 Channels complete Copies of the Statement of the 25th May, and many others have gone to Lycoming, Sunbury, Easton, Philadelphia, Bethlehem, Allentown, &^{a}c., to be forwarded also to our different Counties, to N. Jersey, N. York, Connecticut and Havre de Grace.

M^{r}. Jacob Hart took some for you. The paper here has published the Evidence N^{o}. 1 to 22. I shall be glad to learn what symptoms appear from the publication.

It is a very astonishing thing that these people will still publish that they have "a grant" from Connecticut; in that repect the statement must be useful. The falsity that the Pennsylvanians are seeking to Compromise is very scandalous and gross. The letter of Hogdon and E. Tighlman in behalf of the Land holders is in a very firm Spirit.

We shall be glad to know what appears to be the disposition of the late Connecticut from their Conversations and professions; What from the proceedings, Unequivocal acts. It will be very useful to ascertain as far as possible the views and ideas of the people of the 17 townships, and those without, whether the latter seem tenacious, bold, threatning or the reverse.

I should much like to know by draught the Land within the 17 townships covered by Pennsylv^{a}. rights later than the decree of Trenton, or by unleased rights of any age and the owners, gen^{l}. value, &^{ca}.

There are some rights for land on the West of the N. E. Branch of Susquhanna, above Tawandee, and below the N. York line, which being laid before 1785, when the Office opened for that

place, will be of doubtful validity. I speak thus because I am interested in some rights in 1785 that interfere with them, and in my private capacity I deem the opposing rights invalid there. I shall not sit in the Case, being interested. A right of the Marquis of Lansdown, Gaskill and Hurst interferes in one or two places with us.

If you could procure a Copy of the general tax advertisement and send hither, it would be useful. Do they tax the Unsettled, unimproved land, claimed by Connecticut people? Few or none of the Connecticut people have taken the oath of single Claim as under Connecticut and not under Pennsylvania and Connecticut. It is said a Number have purchased both titles.

I hope it may be in your power to give early attention to the Lands of M^r. Charles Stewart, M^r. Robert Wilson, &^ca. ; they expected it when they furnished the Map.

We have not our vacant seat filled at the Board, that I mean of the late M^r. Muhlenberg. But we have three on the Spot who make a legal Board ; the place will be filled this Week I think.

I shall be particularly glad to hear of anything relative to your Business, which promises a great progress towards an end this Year. The Matter should be as far as possible Concluded this Season ; delays always dangerous ; have been particularly so in this Case.

I am, Gentlemen,
Y^r. mos. Ob^t. Servant,
TENCH COXE.

(6.)

Lancaster, June 26, 1801.

Thomas Cooper, Esq^r.

Dear Sir : I have received your two favors of the 13^th and 16^th June ; this I think is my third letter to the Commissioners or you. We have had Kinney and Baldwin's resolutions, on which I think you pass a just Judgment ; they have been republished by Dickson here and Duane in Phil^a. ; perhaps by others. I sent them to the Comm^rs. It is a most unhappy thing to see those persons make a public declaration that they have "a grant" from Connecticut and that the Pennylvanian are disposed to Compromise in order that the deception of the farmers may be kept up.

The letters I sent your were by private hands, except one by post.

The people should be taught that your Business is to do every-

thing that the laws authorize and require to be done in relation to the Connecticut Claim within the 17 townships, and no where else, and that there is no ground to say that the Assembly will do anything more. I perceive that you are taking pains to shew them the true state, Course and prospects of the Business. It is all necessary from the ingenuity and Activity that was exercised. I am doing what I can to give the New England States Correct views of the injuries and deceptions which have been passed upon them for this purpose. I have covered Copies of the Statement to a great number of Considerable men in all the States north of us. The Governors, Senators & Representatives, Judges, Members of the State legislatures, Lawyers, Landed men, &ca.. the Attorney general of the United States. and every other public Man from N. England, from Washington to Massachussets are served with Copies. I have sent large parcels to Col. Pickering, Doctor and Joseph Priestly, Messrs. Kidd, Donnell and Hepburn, D. Smith, D. Levy, W. Montgomery, Byers, W. Gray, Wm. Ellis, W. and S. McClay, Evan Owens, N. Beach, Adlum, Caton, the Carsons, G. Palmer, Strouds, Horsefield, Hodgdon, Drinker, Strawbridge, Francis, E. Tighlman and every other person I can think of, who from interest or situation can be of use in circulating the pamphlets or supporting or explaining our title. I have got a few to the heads of Tyoga, the Mouth of it, Salem, Exeter, Kingston. Wilkesbarre, Wayne, &ca., and shall continue to distribute them. I shall be glad of your opinion, whether a publication of 3,000 of them at 200 Dollars would not be useful; my idea would be to put them into every hand we could reach in the 42 degree east of Allegheny river; there might be a few additions.

Mr. Dickson has published all the papers, and N. 1 to N. 22, which gives 500 Copies of that important part; but these go chiefly among the Republicans in Chester, Lancaster, Dauphin, York, Adams, Franklin and Cumberland, and among the printers in various states.

I think it unnecessary to justify the State in the ground she may be compelled to take, that all America should know this Affair; I have therefore sent some copies to Washington, Delaware, Maryland, N. Jersey, and have a promise from Duane to publish the paper in 3 or 4 Aurora's which go through Virginia, the Carolinas, Georgia, Kentucky and Tennessee. I rely much upon the influence of shame on the public people of Connecticut, for checking all further proceeding in such a transaction.

I shall be glad to receive a Copy of the renunciation of the Joint title. I am of opinion that if a man has held both he can not renounce one to bring himself within the Law. Be pleased

to give particular Attention to the Section and to our form, when you Consider this point. A man cannot get 5 dollars for a Pennsylv[a] title, and have a trustee purchase the Connecticut title, to the same lands, for 2 dollars. I am mistaken if you do not find considerable Union of the two titles. The deposition should be close to the law and generally well drawn. It would seem well that the tracts and titles to which each man's oath applies should be identified.

If many of the half share men have settled in the 17 townships, there must be disputes among them, for there are near 300,000 A[s]. submitted.

I am of opinion, Sir, that the plan of Communication you have Commenced, will be highly serviceable to the State, give great facility and precision to the Operations of Government and be of much use to the private owners of Land; to those and every other good end I shall promptly and carefully use what you may Communicate as fact, or rumor; the necessary discriminations between certainty, possibility and probability will be duly attended to.

The resolution of M[r]. Franklin with M[r]. Kinne, if it should take place, will prove the body of the Country unfaithful to Pennsylv[a]. Those who regard the prosperity of Luzerne will do well to oppose it; no man can believe them sincere if they do not. It would seem to be friendly to put them Cautiously on their guard.

I do not learn that Co[l]. Horn has yet served any of the Settlers with notices, or obtained their Submissions.

The State of Pennsylvania does not take into its consideration the decision of the cause. It believes, knows and affirms that Connecticut has lost its claim, by a conclusive trial, had, admitted and released; has never conveyed its claim to any Settler or Company; could not convey a right, having itself no right, and it therefore passes penal laws for setting up and acting upon a foreign title, derogatory to its rights and peace, and to the sovereign Authority of the U. S.; it acts as if Tennessee, the youngest State, were to set up a groundless foreign title to Greene, Washington, and Fayette. It acts more mildly than it did with Virginia in the Law of 1780, and more mildly than N. York did with Connecticut in its law of 1796, Jay, Governor; of the 1[st] law you will see a Copy in the State laws, p. —, and of the latter I gave you Copies to distribute.

It is my opinion, Sir, that proofs of any lawful Conduct at the Meeting should be procured and transmitted without delay. Anything that is against law should be attended to in like manner, upon every occasion; and in the case of every person, great and small, my opinion is, that the laws must be completely

executed, without warmth or hesitation, but that they must be executed.

Evan Owen, Esq^{r}., was here, but he did not tell me so much as you Mention, nor indeed anything like it, I however fully Credit it from his Conduct.

It will be of great Consequence to ascertain in what of the 17 townships half share men have settled since 1795, or how much land, or what land, who owns it, and every other useful part. I wish also to know precisely on what land, who owns it, and every other useful fact. I wish also to know precisely on what land, and where, Co^{l}. John Jenkins has settled; a draught shewing the Connecticut lines and the Pennsylvania lines, warrants and owners, could be highly useful, and so of Franklin and any of their first Q. S. Misleaders.

Wright's Conduct is highly Culpable, dangerous and unjust; he has bought largely of Connecticut and Pennsylvania and so has his father. They are afraid of their ill gotten lands and of their Safety—he is a Magistrate. I think his Case and Conduct must be considered: as to myself I am honored, as an Officer and Citizen of Pennsylvania by the disesteem of the enemies to her peace and rights, and of the property of my fellow Citizens; let M^{r}. Wright publish the Extract of letters, Copies, minutes, Abstracts from Laws, &^{ca}., N^{o}. 1 to 22 without a name, if he chuses, under the head of papers concerning the Connecticut Claim.

How does the post Office behave? If it is guilty of anything improper, I recommend the taking of Affidavits.

Now, I have the Satisfaction to know you are arrived, I shall go upon the Luzerne business, in order that upon a review you may receive everything which has been overlooked or omitted.

I have sent to M^{r}. Mott for M^{r}. Sambourne's 2 drafts, but he was not in the way. I will repeat the application with my remembrances to the Gentlemen of and Connected with the Commission. I am, dear Sir,

Your most Obedient Servant,

Tench Coxe.

(7.)

Lancaster, June 29th, 1801.

The Comm^{rs}., Luzerne.

Gentlemen: An application has been made by M^{r}. Geo. Welles, formerly of Connecticut, but now concerned with C. Carroll and R. Caton, Esq^{rs}., of Maryland, to know the owner of some

Lands near to Latimer and Pickering's and C^ns. land, on the west side of the Susque^a., near Tyoga, for which I have referred him to M^r. Sambourne's Maps. It will be necessary that a disclaim in form should be signed by M^r. Reddington, for whom he applies, or the Pennsylvanians will not treat with him. We are making up for you a list of all the Submissions which are Contemplated in the Act of the Board of property of the —— instant, as too late for acceptance. The only Chance those persons have is the general good Conduct of the Connecticut Claimants. There will be little hope if M^r. Jenkins remains Unindicted, intruders should be elected, the agent should be interrupted, The Submittees of 1800 should not be frank and prompt to finish their business, intrusion should continue or increase, or in short, if the body of the people of the County do not act like Pennsylvanians and support the State and check and secure the intruders.

M^r. Joseph Wright's refusal to publish our defence, when his Gazette contains adverse papers, ought to attract the Notice of the Government and Citizens of Pennsylvania; he is either afraid to do justice or unjustly disposed; he has refused to publish, to justify the title of his native State Confirmed by the laws. It will of Course be known to the Governor, the Members of the Board of property and other Officers of the Government. It will justify suits against him for defamation of title, when he publishes the false assertion that the Companies have a grant from Connecticut, he published last year false and wicked attacks on me and now he will not allow me to shew by great recorded truth that those falsehoods are such. M^r. Wright's refusal to publish for us, while he publishes for M^r. Franklin, is a desperate, deadly symptom. We must not allow such treatment. It must be known to the Legislature when they meet that the universal hostility of the Submittees, or their being overawed, may be known and the proper remedies applied. If M^r. Wright, who to all things besides is a native of Penns^a., will not do us Justice, what are we to expect? Such Conduct gives a Blind and desperate Obstinacy to the unlawful Conduct by which we are kept out of our property and peace. It is extreme want of Wisdom for M^r. Wright to protract the Settlement of the Luzerne Business, for his family has a vast quantity of submitted claims, the value of which would be great indeed, if the Affair were settled, but it will all be worth little if it shall be kept alive in the Manner of late years. I have good reason to believe that M^r. Wright is extremely wrong in supposing, or rather in saying, that the Connecticut people will concede nothing to what comes from me, for I know that numbers have been convinced, by the facts

and papers published since I have been in Office. I have incessant interviews with and Communications from people in that Connection, and I know it to be with considerable effect. Besides the truths I have collected do not Come from me; they proceed from the Legislatures of the Union, of Penns[a]. and Connecticut, from the federal and State Courts, from the public records, from every source, but me. I merely say that they exist, and make myself responsible to shew them.

It will not do for Intruders under a rasured deed to impeach the veracity of an Officer, against whom no man has risked a Charge. M[r]. Jacob Hart will tell M[r]. Wright that I shewed him the Indian preemption deeds, the letters of Gov. Fitch, the Journals of our last session of Assembly, the charge of Judge Patterson, the Certificate of the Clerk of the Supreme Court of the U. S.; in short, every paper he could look at.

M[r]. Evan Owen's declaration proves that the laws cannot be executed, wherefore, remedy must be had. We asserted this last Winter and it was denied.

I wish if a Copy of the Statement could be got to Charles Williamson, Esq[r]., that it might be sent; I would send him 50 if I had a Conveyance.

Depositions of material facts will, as you know, Gentlemen, be very useful; the Committees of the Legislature will rely upon them in making new legal provisions.

I do not recollect anything material to affect the business that has occurred since your departure. Everything now rests upon that frank, faithful, prompt execution of the law of 1799, which I am sure you are determined to give. You may rely on my efforts with all the strength I am possessed of, and with all good faith to the Settlers, &[ca]., to aid you in the expeditious execution of that law, and rely upon you convincing every man in Luzerne, of a sound mind and heart, that you and this government, in all its parts are determined to execute that law with liberality and effect.

I am, Gentlemen,
Your most Obedient Servant,
TENCH COXE.

The Commissioners, Wilkesbarre, Luzerne.

(8.)

Lanc[r]., June 29, 1801.

Thomas Cooper, Esq[r].

Dear Sir: I write upon the public Business, but having filled my sheet am obliged to inclose in another, and give you our

news on the cover. We have not yet a rec^{r}. general, but his commission to morrow; the blank having gone down of Saturday for him. I am uncertain who it will be, but I think we shall have a firm Officer in the Luzerne, Allegheny and republican Affairs. Gen^{l}. P. Muhlenberg has resigned his seat in the Senate of the U. S., and has by this day no doubt his Comm^{n}. as Supervisor. No removals have taken place in Pennsylvania since you left us, for even General Henry Miller is not yet known to be superseded. It is expected that D^{r}. Logan will go to the Senate.

Our last accounts from Egypt give us a mysterious representation of a Battle of the 21st of March, without any letter from the Comm^{r}. in Chief Abercrombie, and tho' they pretend that the French suffered extremely, and were Compleatly routed, they profess to fear an^{r}. attack on the 22nd.

The Emperor Paul does not relieve England from the armed neutrality by his death; tho' gone, the Emperor Alexander seems to Countenance that formidable Combination. The reply of the Commanding Officer at Carlserona, to the British Admiral Hyde Parker, is as firm as rock; had the Danes defeated the British, Sweden could not have been more decided; Which must have been produced by her Belief of the young Emperor's sincerity in the Combination.

It is reputed that any disaster the French may have sustained will quicken the feelings of the French, Russians and Austrians in regard to Turkey, and perhaps produce some grand Combination, which will precipitate the fate of the Ottoman empire. Every day convinces us that the British could have made a bad Affair of the attempt to pass the Sound, but for a finesse of Nelson's. He has returned to England in a State of dissention with Parker.

We Continue to be galled with the British Cruisers, but hear very little of French depredations. Tripoli is our open enemy, But not Algiers; tho' our tribute is in arrear three years—this is equally unaccounted for and certain. It seems that our government has not given a Cent for tribute for three years. But what have they done with the tribute money?

Our government Continues to explain its purpose of removing no man for his political Sentiments, so says a most respectable letter I have lately received from W.

Some of the Colonial Government of S^{t}. Croix, &^{ca}., have passed thro' this town and are strong in their declaration of War against England.

Our federal Judges from West Penns^{a}. passed thro' this place and York on the 20th and 21st to open the Court at Bedford on the 25th.

It is said the British government have become very jealous of the Irish emigrations to this Country; besides being farmers the people are all tradesmen likewise. About 1,000 have arrived in the Delaware, some also in N. York; there are Quaker and Presbyterians in greater Numbers than Catholics. Their Obstructions cannot be got over by the poor, but the rich and substantial will Come while Land is Cheap here and unatainable there. Bread and freedom plenty and Irishmen admitted to be human beings.

I see nothing to change my belief that Portugal will undergoe some material change. It does not seem to be Confirmed that the British have landed a force at the "Bottom of the Red Sea." We have an odd rumour here about Tripoli, which is said to be in possession of the French; if so it will be well for us as they are Certainly hostile to us.

Our crops of grass look as if they grew upon a Country twice as large; our Wheat, Rye and Barley look equally fine. Markets Continue generous at home and abroad; our reapers are expected to demand one dollar p^{r}. day. M^{r}. Strickland has however written a pamphlet in England asserting that our Agriculture has declined, and that it is owing to the Constitutions of the States and the Manners of the people.

Yours very respectfully,
TENCH COXE.

It is suggested to the Commissioners, that there will be applications made to them upon the Subject of lands within the 17 townships not yet submitted, and upon the subject of lands, without the bounds of the Seventeen townships (or the pitchis) not yet submitted. It is recommended that the Commissioners open a small book of half a dozen Sheets of paper, and that they give an opportunity to every such person to put down his Quantity of Land, Situation, Name, &^{ca}. Some such heading as the following might be well:

Applications for new Submissions.

A. B. makes Application to have an Opportunity to be included within the terms of the Act of April 4, 1799, for one tract of 300 acres in Pittstown and one in Ulster, &^{ca}. A. B.

Wilkesbarre, March 31, 1801.

And so of the Lands in the pitchis. The reference to the Charge of Judge Patterson is p. 40, last paragraph; it would be well to collect and minute the real and fair evidences of Application by Connecticut men under that law, without appearing to give any Countenance or Sanction to them; the whole course of conduct, with the precise dates on the part of the Connecticut men, should be made Satisfactorily to appear.

The Confirming law was produced by a deception. The Connecticut men asserted that the Lands had been bought with the Consent of the State, and that Connecticut had transferred them, made the Companies, Corporations, &ca. The Conditions have not been performed.

The Susquehannah Company's Minutes are not original, nor do they Shew proceedings anterior to Decr. 28, 1768, nor subsequent to May 23, 1774, the Articles of Association of 1753 and the fundamental rules and records of Members, and evidences of the Erection of Eleven out of the 17 townships are all wanting. The Indian deed should be shown to evidence that the townships are Contained within its description. As the originals are not brought forward, we may be sure that they are Averse to shew them. It will require that they be unsuspectedly drawn out. Col. Franklin has them all in the County. He told me he would furnish them. They Certainly have Complete old draughts of the townships. It appears Clear to me that the 17 townships were Confined to the old purchase of 1768, and that the old town of Ulster was originally so laid, and that they afterwards Carried it in part over the West Side of Susquehannah in the purchase of 1785 (See Min. Decr. 28, 1768).

Was Jacobs "a Settler" before the decree of Trenton, or ever? I think not. Then is his Connecticut claim of any avail? Innumerable forfeitures have affected the titles of Settlers; they Conceal their proceedings partly on that account. See first min. of 1770.

Where were the Indian School lands located? 10 miles by 6.

The rules and regulations Considered as in force on the 30th of Decr., 1782, are necessary. See Sect. 5, Act of 4 Ap., 1799.

The time of surveying each township is Necessary. No Survey or resurvey after Decr. 30th, 1782, appears to be admissible.

(9.)

Land Office, Pennsylvania, July 8th, 1801.

Gentlemen:

By a late Mail I sent you a packet Containing all that remained of the admitted Connecticut Submissions. It was without a letter, the date being marked over the seal on the Cover.

This inclosure will contain "a list of the unaccepted Submissions" of Job Irish and others; these are the Submissions referred to in the Minute of the 6th June, 1801.

All the Submissions heretofore made are Conceived to be in the two general lists. 1st, of Submissions admitted; 2dly, Sub-

missions not admitted. Should any person apply on the former list you will find a Certified Copy in your hands. Should any person apply on the latter list you will see the reason Why it has not been transmitted. If you desire to have Certified copies of Job Irish and others unaccepted Submissions, they shall be sent. I expedite this that the Comm^rs. and the parties may not be incommoded by the want of it.

In haste,

Y^r. respectful h. Servant,

TENCH COXE.

(10.)

Land Office, Penns^a., July 16, 1801.

Gentlemen: I have sent to you a Compleat list of the Connecticut Submissions, which are not deemed capable of being accepted; also all the Copies which were not before sent of the accepted Submissions.

Since the date of M^r. Cooper's two letters, p. post in June, nothing but them has been received here from Luzerne. Enquiries have been made about the returns of Survey of the Lands released by Joseph Read, Esq^r., and by James Gibson, Esq^r., & a^l. These will be found, I presume, among the returns furnished thro' this Office from the Surveyor Gen^ls. Office. Should they, or any other returns be wanting, they will be furnished on Notice, if they can be found in this department.

John M^cKissick, Esq^r., being appointed permanently as receiver gen^l., the Board of property is now full, but no delay to the Luzerne Business has occurred by reason of the vacancy. Everything incumbent on the Officers being done before the death of M^r. Muhlenberg.

The Copies of the Statement addressed to you have been Nearly all distributed; partly among the Settlers to inform them, partly among men in authority or of weight in Pennsylvania, with a View to a well directed and just future Conduct on the part of the Settler's state; partly among persons of public Character in the United States Government, and in those of New England, New York, N. Jersey, Delaware and Maryland, by way of appeal for the justice of our Cause, our past moderation and the reasonableness of future Coercion; partly among public and private persons in Connecticut, that they may see the shame and other evils which may follow to individuals and to their public, even if the intrusions Should be Continued. I have letters from various persons Convincing me that the body of evidence has had the best effects in several

places. I consider Mr. Wright's refusal to publish these for a great evil to the State, and a great cause of Complaint against him; it is particularly increased by the violent and false Charge against me, which he has published. I hope he will yet do justice to his native State and to his own Character, as an impartial printer, by republishing the Statement.

There has been a publication in Hamilton's paper tending to depreciate the Commissioners, to reflect on the Governor and to make ill impressions upon the Submitters, &c^a. Of which a Copy has been purchased by a Witness; the Use of that Newspaper will be considered; enclosed is a Copy of the Article alluded to. It is sent that you may attend to the ill effects of it and particularly to the republication of it if it should take place. Should either paper at Wilkesbarre refer to it, you will understand their Allusions. Should either republish it, I should be glad to know of it, and to have a Copy brought by some indifferent person; it cannot be allowed that the press Should wound and destroy and never defend; if the laws will punish such things, they Should not pass unnoticed. A Copy of the Article is inclosed.

I have not yet received any acknowledgement of the letters and papers, which have gone from hence to you. Gen^l. W^m. Montgomery informed me that he had seen M^r. Cooper and he gave me his impressions of the Business at the time.

I cannot but hope that the friends and Connections of Connecticut in the other States and in our national affairs will require of their leading men that that they lend a hand to stop this pernicious and dishonorable business. I have given many of them, from the Potowmack to Boston, an opportunity to see our facts and documents and the Conduct of Connecticut. I even hope that you will perceive the influence of the advice and expostulations of those persons upon the Springs of Action among certain leaders in Luzerne.

In regard to the present operations of your Commission, I do not recollect, Gentlemen, anything which it is in the power of my Colleagues or myself to do to facilitate or expedite your Movements which is undone. Whatever shall occur to me will receive prompt and effectual attention, for I do devoutly wish an early and Complete execution of your important Business.

I am, Gentlemen,

Y^r. respectful, hum. Servant,

TENCH COXE.

(*Private.*)

Lanc^{r}., July 16, 1801.

Gentlemen:

I have a Number of Lands in Luzerne, the taxes on which I have taken all the pains in my power to ascertain and pay. I have sent at one time one remittance, at another time my Friend M^{r}. S. Duponceau, of Philadelphia, sent another remittance. The sums are supposed to be in full of all for which the Comm^{rs}. are to make sale in August. I will ask the favor of your Inspection into the Matter for me. There are 4 tracts in the names of Timothy Pickering, S^{l}. Hodgdon, D. Ingraham, J^{r}., and Tench Coxe, Of which I suspect the taxes have paid both by Pickering and Hodgdon and myself. There are a Number of others of mine. The whole will appear, I think, on a list sent me by Thomas Wright, Esq^{r}., and now in his hands. I will thank you to apply to him for it, and to have an examination made whether the taxes are marked paid once for each year or twice for each year, upon the whole or any part thereof. I gave the warrantees, dates of warrants and quantities returned. Should it appear that any part of the taxes, for which Sales are to be made in August, remain undischarged, I will thank you to pay them, and I or M^{r}. Duponceau will repay the Money when you please; the matter will require early attention and Care, tho' but a little. I suppose all is paid. I should be glad also of a bill of the federal taxes on the same lands, and of advice of the time when they must be paid. If there be any danger of Sales, M^{r}. Duponceau may be advised by post.

I beg you to excuse this trouble and to Command in any matter wherein I can reciprocate the Service.

I am, Gentlemen,

Y^{r}. very humble Servant,

TENCH COXE.

Thomas Cooper, John Steele & W. Wilson, Esq^{rs}. M^{r}. Sambourne, M^{r}. Lloyd.

I direct generally, as I do not know who may be out or who at Wilkesbarre.

(11.)

Land Office of Penns^{a}., July 24, 1801.

Gentlemen:

In your letter of the 13th, rec^{d} last night, you do not say anything of the Case of M^{r}. B. Thayer, from which I suppose mine upon that Subject had not reached you. Applications have

been made to the Surveyor General's Office for returns as required by Scudder & al. and by Stewart's releases. Trimbull's deed, I supposed, had been received and a Copy sent, but I will attend to it.

All my Communications are made to you on the footing of mere Conferences between men related by Office; so far as relates to your discretion, powers, responsibilities, &c., I wish you to know what I observe with my reflexions, not always digested, and never to be adopted were I to act instead of you, but as they may appear right at the last hour.

You have the Minute of property of June 6, 1801, about the untimely Submissions, and since you have a list of those Submissions which that minute Contemplated. The Suspension was merely to affirm the question whether there appeared any impediment to their acceptance. It was unanimously thought there was. It was studiously avoided to make the formal act more strong than a Suspension, because it was wished to shew every attention to the parties whose acts were out of time. None of us, however, have any doubt that we Cannot Consider them under the Act of 1799; had any party been on the Spot and not asked a postponement we should have decided that the Submission was not effectual. Being absent, we thought it would be better received not to decide Conclusively. The Submissions sent by the post are not at all those intended by the minute, but a parcel that had been omitted. This I discovered upon a recent revision. It is not our intenion to ask or require the presence of the Submitters who are too late. If you think it expedient to decide finally, we will do it in any Case or Cases to fix the principal, or if the parties desire we will do so. It will, however, be agreeable to us if the Commrs. examine and Consider the Minute and the list, and if they will then favor us with all the Considerations which occur to them in favour of the admission, they will be pleased to take the whole range of law, Equity and policy. It is my personal intention to give a Chance for legislative relief in this, and every other Case, wherein it shall appear equitable or politic, provided the Conduct of the Counties of Wayne and Luzerne shall make me to say in good Conscience that they deserve it. They have not a little in their own hands, for they can restrain the violent, the anarchic and the Criminal, or bring them to justice.

The point of view in which the Board considered the unaccepted Submissions is this. There are powers given to receive Submissions within Certain limits of place (the 17 Townships) and within Certain limits of time (1799 and 1800). The ques-

tion then was are these Submissions within those limits and Capable of acceptance?

A representation or representations from any one or more of the Submitters can be made in writing and sent hither p. post; the parties not need be here.

My opinion of Mr. Wright's Conduct was entirely founded upon the information that he steadily refused to the 13th Ulto. to publish the letter addressed to the Commissioners. It was added that various solid Arguments had been used to persuade him, but that nothing would avail. This information is so different from the last that I must, of course, drop all opinions founded upon the first Information.

I hope, however, the letter will be immediately published. It is unequivocal in wishes and influences, favoring the Execution of the law of 1799. Besides this, no man in his Senses can doubt me on that point; did I not officially recommend the prolongation of the time for the Penns^{rs}. to release? did I not write Circular letters, a procure releases for a vast proportion of the old valuable and settled lands from the most persevering opponents to releasing? It was in Consequence of those letters, that all the releasers after Jany. 6, 1800, were made, Viz, the heirs of Col. C. Stewart, Peter Kachlein, William West, Pauling, John Cox, Philip Johnston, Turbutt Francis, Robert L. Hooper, and George Fullerton, all deceased; S^{r}. Meredith, W^{m}. Smith, Conyngham, Nesbitt & C^{o}., Sam^{l}. Howell, Charles Hurst Petty, (L^{d}. Lansdown), Snyder, Byers, Bingham, Nixon, Carson, Kennedy, Dehaven, Deshrong, Dehaven, Morris, Gaskill, Grant and Rose. I then trembled for the law because I feared 40,000 acres of land actually covered by both Claims would not be found to be released. I recommended giveing a variety of facilities and recommendations on the execution of the law, but M^{r}. Franklin set his face agst them. I have ever inculcated every where the most faithful and liberal execution of the law of 1799.

It is impossible for me to remember an act to secure its liberal Execution that I have omitted. What member of the legislature, what Officer of the Government, what interested or disinterested Citizen has done more to secure its liberal and valid execution, and even extension as to time of its Convenience, promptness and facility of execution? The Comm^{rs}. of last year will tell you that in a civil way, I expressed the deepest regret that they had come away in the Beginning of October, and even Mentioned that it had produced Surprise and regret and might produce dissatisfaction.

I know that the trial at Trenton did not embrace the private right of Soil. But I, when the original paramount title was

irrevocably in favor of Pennsylv^a., the Courts would not and Could not find in favor of a title derived from it. It is also Certain that Connecticut never Sold, nor did the Settlers ever buy, any title from her. Griffins meaning Could not be to affirm the Connect^t. private right of Soil. He only meant that no question of private right being at Issue, or Submitted, none could have been tried or affected. This we know is a rule of law and of Justice. But it recurs that Connecticut had given no title, no Claim, received no Money, made no deed, allowed no Survey, had no right of Settlement under her laws, forbad the Settlers to go on; Never Confirmed their Indian deed which they rendered void even against the Indians by the Erasure. It is perfectly Untrue that they were willing to try the the appeal of Dorrance V^s. Vanhorne. The Cause was in Court. The rule was "to assign errors." The return was Clearly admitted, for the Cause was in Court, See N^o. 7. p. 26. The persons who plead these things to the Comm^rs. must entirely disregard truth. It will be plain to M^r. Cooper that if the Connecticut men had assigned Errors the Cause must have gone on. They knew their fate would be a decis^n. against them; not by a Penns^a. Jury but by a federal Bench, and, therefore, tho' the writ was returned or accepted, they omitted to assign Errors and were Non pross'd.

It is denied that the Connecticut men ever wished to have the Cause tried. We forced the trial at Trenton. We tried to force the question of a private right of Soil before a like Court, but they would not and Could not shew a grant from Connecticut. We forced the trial before Judge Patterson, and we forced them to file errors or be Non pross'd in the Supreme Court of U. S.

I think with you that a fair and liberal proceeding, Under the law of 1799, is the Clearest policy and the highest duty of the Penns^a. government in all its parts. Nor do I know a Man in it whom I suspect to be otherwise disposed, either in Philadelphia, Lancaster or Wilkesbarre.

The Penns^a. Landholders are open to treat with the Settlers out of the townships. There is no law, Justice or Safety in admitting any right in a Settler out of the 17 Townships. Every favor is abused into a right. The Settler should shew a Willingness to buy by an explicit Offer. Not one has done so, or at least not half a dozen that I know of. It is not by such Settlers as have gone on those lands that a Country is benefited. They keep of the good Settlers. I am of opinion that if there were no Settlers out of the 17 Townships, and they were adjusted, the Country would be more valuable than with the present intruders. But it is Certain that New England people buy

in the Beach Woods, and in Wayne, at 2 to 3 dollars on easy terms of payment. Messrs. Goodrich, Shepherd, and too many others Concerned in the 17 towns largely, having engrossed the Settlement rights for a trifle, wish to Continue the Speculation throughout the whole claim. This must be done by keeping alive their pretensions and keeping down our Lands.

I will lay before the Board your additional Clause to the oath of single title, but I submit to you the Question of right to qualify the oath. The 7 Section is explicit. It applies to Pennsylvanians and Connecticut men. I hope the provision will be omitted, and where it has been made, will be done away by the precise oath required by the law. I am at present Clearly of opinion that there is no power to add to or to diminish the words of the oath. Nor do I see how a patent can issue to any person who has not taken the precise oath in the law. I am of opinion that serious questions Concerning the Conduct of the Commrs. will arise for varying the oath in any so material a respect. Of this you are to judge; let me entreat your serious Consideration of the power to prescribe an oath, and the obligations it imposes on the Commrs.; the Saving should have been made, by way of memorial to the Legislature or the Governor, Of all places it seems difficult to admit into the oath, whose words are prescribed.

It will be the duty of the Board and its inclination to Consider any plea of title under the Confirming law, when brought to them by Memorial, accompanied by Clear and Certain evidence of what was done in 1787 by the Settler. The Commrs. under the Act of 1799 may get rid of all the Applications about the law of 1787, by saying that the parties Can memorialize the Board with their evidence. The law of 1799 forbids any man to have the benefits of it, Pennsylvanian or Connecticut man, who has not first sworn that he had not thrown away one Claim to obtain the others.

I am at a loss to ascertain the Cause of your dwelling upon the impropriety and impolicy of acting in a Style of duplicity and Stratagem. I should Consider any person who would suggest such a line of Conduct as unwise, probably Criminal. But if any made had either Claim on the 4th April, 1799, or after, and threw it away to bring himself within the provisions of the law, as he Must swear had not so; it will follow that he cannot be allowed by the execution to do so. This is a point with which Suspicion has nothing to do. If they take the oath they have a right to the benefits of the law. Unless proof Can be adduced that they destroyed one of the joint titles to bring themselves within the law. The reason seems plain. The legislature does not authorize this expensive law

to be used in favor of those who having already the two titles for the same lands have no Complaint to redress.

The Complaint in the Case of Col. Jenkins is that the Court, Jury and Witnesses would not bring him to justice. This and such things will remain with me grounds of Conviction. Not reasons of Suspicion. The persons who spread rumours about the Connecticut claim so often disregard accuracy, that I will hope Judge Rush has not suffer'd Such an Opinion, as is imputed, to go from him. If he really entertained it I trust he would report it to the Government for Amendment.

The plan of the Intruders going through all the round of legal delays, proves that temper and disposition in them and their advisers, which have given me Convictions, not Suspicions of their Character. This new Scheme accords with my Calculations of them. My opinions about the Surveys of the townships is that they have been once made; that the evidence exists that they have been in Some Cases altered; that Settlements upon those alterations may by and by be shown by disputes of title to be invalid; that therefore the actual and ancient Surveys and returns sh[d] be forced out. I have heard M[r]. Franklin say that he did not —— what Seventeen Townships were meant as there were more.

I think a Sight of the Indian deed a reasonable request from the Comm[rs]., and it seems to be a great object that they should see it. It was not regular in the Company's Agents to set off Townships out of the Indian purchase. Wherefore, it would be well to see it; a Copy of all the words in it written on the rasure would be Useful.

I understand the Minutes of the Susquh[a]. Company you have, to be only a Certified Copy. I am of opinion it would be fair and useful to have the original as it is in the County. I go on no Suspicion; but I will always rely upon the highest and most original evidence, and expect it where it can be had. If they shew them it will inspire Confidence.

I particularly ask the favor of the Minutes of the Company for the Short period from their formation till the end of 1754, including their Articles of Association. It is highly important.

It was my wish that a Complete plot of the 17 Townships, only 270,000, might be secured in the Course of your Season. It Cannot be difficult; they cannot Contain more than 550 to 650 tracts, which will be easy to M[r]. Sambourne.

I have written you in haste, unreservedly and without Ceremony; so we will Continue to write to one another, Unreservedly and without Ceremony; you will always ultimately exercise your own discretion upon my Suggestions, and your own independent powers, which I have no right to influence by in-

struction or any form of Authority. You know I always avoid any such unwarrantable attempts. I am sorry to learn the Affair of Smilie. Has he been interrupted or seduced, or is the whole Affair groundless? I fear not. If true the Settlers will be fatally wrong if they do not secure the Offenders. It is impossible that they cannot be found, if all are faithful. We are informed that some of the Settlers have held very unwarrantable language at Easton to Mr. E. Tighlman.

The Mail being about to close, I can only promise you attention to all your requests.

I am, Gentlemen,

Your most Obedient Servant,

TENCH COXE.

Thomas Cooper, John Steele, Wm. Wilson, Esqrs., Commrs., &co.

(12.)

Lancaster, July 29, 1801.

Gentlemen: Mr. William Trimbulls appears to have been equitable interest, under the legal title of Colonel L. Hooper, and by his procurement and subsequent approbation, released to the State by Governor Howell and Mr. Woodruff, under Mr. Hooper's will. The enclosed paper will shew the case all the returns of Joseph Scudder, Esqr., and al., and of Col. C. Stewart's heirs yet found are Six; none inclosed with a list.

A letter for Mr. Sambourne goes by this mail from Mr. Mott, but I am unaquainted with the Contents, not having seen him since the delivery of it here.

It is reported here, but with what truth I know not, that Col. Cummings of Lycoming has been in an Uncomfortable situation there. It is said that some of the Connecticut intruders were in search of him to treat him as Mr. Smiley is said to have been treated.

I repeat my hope and wish that Mr. Joseph Wright may publish quickly the statement. I cannot think well of the Candor and fidelity to the State of those who are irritated by a decent official Statement of facts. This is irritation at rightful explanation, evidence and defence. I have no wish to Circulate incorrect representations, and will therefore set right anything of which I have made a wrong statement, and I beg that nothing which the gentlemen concerned think as wrong may be reserved by them. I wish the Memorandum or Note signed by the persons who make it. In Lancaster and Wilkesbarre very violent attacks upon me have been published, and Mr. Franklin, who had last year, after one of those publications, the Votes

of the principal people in the Seventeen Townships, was the writer. One of those papers was published before Mr. Franklin was elected. Mr. Bowman with others was on the Committee for Mr. Franklin's Election. Mr. Jenkins was the other Candidate. They took all the votes of the Seventeen towns and elsewhere between them. Their Character and Conduct in relation to the confirming law, the intrusion law and the Act of 1799, are known and clear. I as a citizen chearfully admit the right of the Citizens to vote for whom they please, so I do as an Officer of Government, But I as a Citizen and Officer, must wait to see evidences of good disposition shewn by those have sent to the Assembly as trustees for the Soil and property of Luzerne persons who acted as those two Citizens have done. It is not all relative to our duties (your duties or mine) under the Act of 1799, but as the Sacrifices under that law are doubtless the last the State will make, and as it is the duty of every Officer to render his duties and powers legally and offi— subservient to the peace and interest of the State. I do not consider the notice I have taken of these points improper, nor I am persuaded, do you? I am convinced that the plan I am upon is for the true interest of the Seventeen towns, whose prosperity has been and still is entirely prevented by the Intrusion. As it has been, so it will be prevented by it, till intrusion shall be effectually terminated, as I wish to terminate, and as I am laboring to have the law of 1799 executed to its utmost possible extent, as I have entreated and solicited all who were concerned to cooperate and procured the great Mass of essential releases, and obtained the consent of a large Commr last Session to give several Months farther. I am sure the Gentlemen themselves must think I have been a real Friend to the 17 townships and the Connecticut Claimants therein. The enclosed resolutions were proposed by me and reported to the Legislature; they went thro' both Houses; all but the one resolution to the disclaim, which upon some suggestion of Mr. F., failed in the Senate and produced the loss of the Bill.

The Signature of 150 Settlers, to the Instrument proposed by the Committee of Land holders is so short in time, and in the midst of prejudices, intrigues and threats, is a proof of the Soundness of the measure and adds to the validity of the Pennsylva. ground, by showing that so many in so many places yield all question of title. Let us remember what New York does in such cases (see the Act of 1796) tho' they have no Decree of Trenton, No Decision of Judge Patterson, no rasured Indian Deed, No want of Connecticut grant, no want of Consideration money, unanswerably to urge against the Connecticut people. I am very well satisfied that the only hope and expectation is

to protract the Settlement, and involve the Country in Confusion. to produce more expensive Compromises like that of 1799. This will be generally, strongly and effectually resisted on all quarters. Our Settlements in the Western part of are breaking very strongly this year upon Pennsyl^{a}. titles alone. Northumberland after losing Luzerne, and Lycoming has 4 representatives; many good purchasers and Settlers are going into Luzerne and Wayne.

The Comm^{ee}. write me that Smiley's affair is believed and will be acted upon. Christian Lange has transmitted his own oath of single title and his Wife's release of Dower, which will be sent to you.

Having been engaged in moving my Family, I have not been able to take up the revision of the Luzerne Business, so as to send up all to you, if any that is deficient, but I shall commence to morrow. Nothing from me shall delay you.

I am, Gentlemen,

Your respectful Humble Servant,

TENCH COXE.

The Commissioners of the State of Penns^{a}., Luzerne County.

(13.)

Land Office of Penns^{a}., August 5th, 1801.

Gentlemen: I had the pleasure to receive from you a Sheet of paper superscribed for me, headed with the words "Wanted" and containing Mem^{rs}. of Surveys of or for Turnbull, Patterson, Meade, Snyder, &^{ca}.

I am informed from the Surveyor General's Office that they have not the Divisions of the Manors. But I presume that William Tighlman, Charles Stewart, or the Attornies of the Penns, will be found to have furnished some of them, whereof Copies you will be pleased to examine and I will write to Coates. I will also examine here.

A number of the Surveys of the Lands released by Howell and Woodruff, Executors of Hooper, late owner and trustee of Turnbull, have been sent p. last Mail. If any Surveys of their released tracts are yet wanted be pleased to say.

None of the lands released by Snyder and others are returned; they live at Easton. I will write to them, and I recommend the same steps to you, pressing them to have the returns made. that they may be considered. Hartley's Survey in the name of Luce has been sent, 302 acres.

There is not in the Surveyor General's Office any Division of

lands on "Abraham's plains" shewing Dr. Smith's N°. 6, 8, 14 and 17. I will write to him and Stewart's Heirs about it; Also to Col. Francis' heirs.

There are no returns of the lands in the Names of M^cCarrol, Punner, Boucher and Vansant, released by Heirs of John Cox. I will write and apply here to the different persons.

Ann Kennedy's return, in the Name of W^m. Bell, and D^r. Smith's, in the name of Joseph Reed, are not in the Office. I will write them. Charles Smith, Esquire, son of D^r. William Hooker Smith, informs me on Application that he is unacquainted with the Business and knows nothing of the returns.

We do not yet find any information in any of the Officers of this Department relative to the Sale, in or out, of the proprietary manors, beyond what your Abstract from M^r. Coates informat^n exhibits.

The Tract of land, 150 Acres, given to Thomas Osborne as a Compensation for Services, is stated to be in the Manor of Wyoming; that is I suppose within the Manor of Stoke which contained Wyoming. It is not, therefore, possible to find the Survey; but in the general draft of that Manor special enquiry was made of the Surveyor general without success.

David Mead and others, Compensated under the Confirming law, held under rights of others in some Instances. I am searching for the Warrant, Date, quantity, &^c., in each case, that I may give you the proper returns. It is scarcely possible to fail in this, as the papers and Books must give the requisite lights.

For Convenience and method this reply is Confined to the Enquiries in your paper marked "Wanted."

I am, Gentlemen,

Your respectful friend & Serv^t.,

TENCH COXE.

(14.)

Land Office, August 19, 1801.

Gentlemen:

I find that Col. Hartley's part in the name of Luce is returned, and that a Copy has been sent to you. I have written to William Tilghman, Esq^r., M^r. Samuel Mifflin for Francis's Heirs, Mess^rs. Coates for Mess^rs. Penns and D^r. Smith for all the particular and general Draughts of farm lots, great lots, Manors, divisions, &^c., as also field notes which they can furnish; others letters are in Hand: our joint letters, shewn here to General Steele, has gone forward.

The representation of Compromise, as on the application of Mr. Gore and 199 others, thro' the Reverend John Smith, is stated to me to be quite wrong. The Landholders are afraid of the same improper use of such a measure as always has appeared, and they believe that persons who claim under such a title are not to be confided in. An acknowledgement of the Pennsylvanians title must precede all other steps. The States of Pennsylvania and Connecticut forbid by proclamations the Settlemts. Compromise leads to endless and ruinous Consequences; the Landholders will not make them. The Government, I am satisfied, would consider a deviation from their pointed form as unwise and not due to justice.

An Application from an Orphan Family was made when Genl. Steele was here, and another has since been made. The people at nine partners have authorized a Committee (Hosea Tiffany and others) to declare their total disapprobation of the measures and Claim of the Susquehannah and Delaware Companies, and wish to purchase; they have addressed the Committee. Mr. Thomas Clifford has been into a Settlement in the Beach Woods, and sold to all who were on a large parcel of land there so as to close everything with Comfort, and every prospect of future Benefit. So Mr. Drinker advises me. Mr. Franklin has addressed Mr. Field with Overtures, who has or will make a Consistent reply. As it regards the public Service the violent abuse of my proceedings in the Luzerne has the best effects. It convinces our whole State of the true Character of the remaining opposition. The taking of the rioters at Tawandee, if followed by Conviction, will have good Effects. If they are convicted and punished it will damp Insurrection. If acquitted it will unite the Government and State still more if possible.

I hope you find impediments lessen and the means of proceeding increase. We long to see all the Pennsylvania lands patented and flourishing under Pennsylva. patents, and peace and good will restored. That and the Allegheny Business are all we have to adjust to render the State completely prosperous. We find that Gov. Mifflin in 1795, Decr., in his Speech, takes the present ground of the Board of property, as to the Obligation of a Settlement for years "before a patent can issue." This was no doubt drawn by Mr. Dallas and will be before the Court in Sepr. I rejoice at the prudence of the County Commissioners of Luzerne in not selling for taxes as proposed in August.

I am, Gentlemen,
Your respectf. Hl. Servt.,
TENCH COXE.

(15.)

Land Office of Penns^{a}., Augt. 28, 1801.

Gentlemen:

I have lately procured from the Surveyor Gen's office a complete copy of the list of Surveys sent to the Comm^{rs}. from 1800 to this time. In it I find, as lately sent, the Eight returns belonging to William Bingham, and by him released, as per the enclosed abstract from his deed. A complete Copy is ordered and will be sent if possible by this Opportunity. All Col^{l}. Hartley's returns are found on the same general list including that in the Name of Benjamin Luce. The oath of single title of Christian Lange, and the release of the Dower of Sarah Lange, have been copied and certified as inclosed; the tract in the name of William Bell is found to have been surveyed by William Montgomery, Esq^{r}., this return defective as to the lower Course, and distance from the Black oak on the river was found in the deed. It is to be sent to him for perfecting and in the interim an uncertified Copy is sent for information. The persons owning are all minors. But one lately of age is about to Confirm his act when under age.

The tract called "Crooked dale," formerly of the Mess^{rs}. Penns' 1,026 acres, N^{o}. 40, was unknown till a late application to them brought it forth. If it be their unaliened property it will be covered by their general release, of which I sent your predecessors a Copy. Inclosed is a general Abstract from the reports of Mess'rs Pickering and other Comm'rs under the act of 1787, taken from the papers in this Office. Also a like paper from those in the Receiver genl's Office. There is one difference, as you will perceive. It respects N^{o}. 6 in paper from this Office, being D^{r}. Plunket's Case; it does not appear from the Receiver Genl^{s}. Books that the case has ever been completed by the issue of a Certificate for the Consideration, yet you will find among your papers a Copy of the Comm'rs report upon it; perhaps his Heirs have not called.

My letters for subdivided Surveys have been answered by William Tilghman, Esq^{r}., Sam^{l}. Mifflin and J. R. Coates, for J. and R. Penn, but I have yet nothing from them that is wanted. M^{r}. Coates writes that he sent you some papers, which I hope are in part what want. If he describes them correctly they are a part.

Inclosed are two draughts which when seen by M^{r}. Sambourne are to be sent under the Cover which Contains them to M^{r}. George Wells. If M^{r}. Sambourne has them they will assist in perfecting his general Draught. I beg they may be dispatched as there is a desire in that quarter to purchase those lots,

which, after submission, will be sold to the Settlers. I presume, therefore, not within the law of 1799, no lands above Tawandee on the W. side of the N. East Branch have been accepted by the late Land officers, because under rights universally subsequent to the Decree of Trenton. The lands of Hurst, Petty and C°., tho' under older rights, were not lawfully located as I conceive, being laid there (if laid in legal sense at all) before the Indian purchase of 1784. However, in this Case I offer no Official difficulties, because I have a small Interest in land surveyed in 1785 within the limit of Hurst, Petty and C°. claim. M^r. Hurst, Junior, now here, seems to admit the probability that their family right is of no avail there; you will of Course confer with him on the Subject. If any Confirmation shall be given by the Commissioners to the claim of Messrs. Hurst and C°., the Concern of Pickering, Hodgdon, Coxe and C°. will meet them before the Board, when I shall not sit as a Member. I heartily wish our title admitted us to release the lands, but is too modern, by more than two years. When we sent up our Form of single title in 1800, we meant it to Co-operate in Confirming the Submiss^ns, which were made in some respects rather laxly. A letter of the time possibly adverts to that view. It may be well done in the Acknowledgement of the and in how great a Number. There are impressive appearances in the manner of spelling, Execution, &c^a., in some cases; whether they be from Intention or Carelessness, incidental Confirmation appeared to be expedient.

I find that we have time to Compleat an Official Copy of M^r. Bingham's release, wherefore it is inclosed instead of the Abstract of it before mentioned.

I am, Gentlemen,

Y^r. respectful, h. Servant,

TENCH COXE,

Secretary of the Land Office.

(16.)

Lancaster, Aug. 29, 1801.

Dear Sir:

Good private optys. so rarely occur, that I have not been able to write to you for some time without postage.

A principal point of Concerne at this moment is the Maryland election of Electors of their Senate; great exertions are making on both sides; the event is difficult to pronounce upon. But we expect a Majority of republicans; the 1^st Week in September is the time.

We are informed here considerable purchases of lands, all in the 42[nd] degree, in our State, are going on by Americans, English, Irish, Scotch people. They are generally supposed to be accompanied by plans of Improvement. The clearing of the Susquehanna and the Lancaster and Columbia Turnpikes are going on; also that from Montgomery to Philadelphia. Foreigners, against whom there is much Cruel obloquy, will do much to preserve our peace in the 42 degree.

The French Movements towards Rome and the Eastermost point of Italy, indicate views towards Turkey, and to support their Army in Egypt the French will certainly feel the Jeopardy produced by the Turkish Co-operation with the British.

The Spanish and French forces in Portugal are so placed as to interrupt communication between Oporto and Lisbon, but they have two distinct Armies, lines of March, and plans of Operation. Each supports and is supported by the other.

We do not learn that the Northern powers have receded; not that Britain menaces a new Expedition to the Baltic. Hanover and the other British dependencies in Germany remain with Prussia. Denmark tho' retired from Fauburg a little mysteriously, Continues her measures of Defence on her Baltic Coasts. Russia has not been so unequivocally friendly to England as to abandon the principle of the Northern Confederacy, and Prussia ratified that Confederacy many Weeks after the Battle of Copenhagen. This and her possession of British Germany are deeply hostile. I do not perceive that Prussia could do more. The British Government must perceive themselves to be uncomfortably situated as to the Navigation principle, and their rights, powers and Influence in Germany. Their long standing in Portugal is no less unsatisfactorily situated. I do not see anything very pleasant in their Irish Concerns; that Country has given to America in 1801 the population and Wealth of a very respectable County. The proper English are buying largely every description of fast property in America, and must follow with Men and Money, and Arts and trades daily and yearly. Our Census is greatly beyond expectation in some places. Jersey thought in full at 184,000 proves to have 211,000. Georgia from 82,540 is advanced 163,879, after losing the people of the Mississipi territory. North Carolina is advanced from 393,000, after losing the State of Tennessee, to 447,000. Kentucky from 73,677 is advanced to 220,955. Delaware is stationary at 64,273, having before 59,094, her advance is only about 10 p[r]. Cent. in 10 years. Delaware has no iron, no coal, 10,000 Slaves, no manufactures, milling excepted, an unfavorable Climate; her wood and timber are reduced; imported liquors are universally obtained with ease and Cheap-

ness; her people are tempted to buy in and emigrate to Pennsylvania and elsewhere; she has little foreign trade; the Necessaries of life are kept high by the ease of sending to Market; her youth are educated at other Seminaries; her Seamen and Watermen are drawn to Philadelphia and the ports of the Chesapeake, and much of the Country is not fertile, nor is her farming System good. I apprehend that improved lands may be procured there upon the lowest terms of any equally well situated for a great Market in America. The Census of the N. W. territory is encreased from about 5,000 to 45,000 persons. I am not acquainted with the rest of the Union yet, but know from Spots that our Encrease is great upon the whole. I think that from nearly 400,000 we shall run up to $5\frac{1}{4}$ or $5\frac{1}{2}$ Millions in few years—perhaps higher. But on a peace we shall advance still more rapidly, and even now under a more generous System towards foreigners we shall advance more rapidly than since 1797. Our Crops are very abundant in grass and Winter grain, and highly promising in Summer grain. The Country is so busy that here we are all destitute of wood at any price. I have borrowed a dozen times this Summer, and loads equal to $\frac{1}{8}$ of a Cord have sold (of hickory) at 5 Dr^{s}. it is now $4\frac{1}{4}$ & $4\frac{1}{2}$. I find a Company at Havre de grace, Baltimore and Annapolis have bought Musser's Coal mine in Dauphin. There is only one Pennsylv^{a} Shareholder, a Citizen of Lancaster. It is said that the treasurer, M^{r}. Meredith, has sold all his old and late Pennsylv^{a} lands to an English Concern, Poyntell agent, and received 10,000 Dollars down; the many and good and some late sur-patenting this year, brings in on the whole a greater sum than in 1798. Most purchases are made so as to have the lands patented. I find the new road, cutting from the Bald Eagle to the lake, is producing purchases and Settlements upon the great and small scale.

We are to proceed with our Mandamus case in Sept^{r}. I shall go down next week, but my letters will be stopt by order at the Philadelphia Post Office, that I may reply from thence. You need not alter your mode of Conveyance therefore.

I find Mess^{rs}. Lewis, E. Tilghman and Dallas have given opinions to the Population and Holland Comp^{s}. that no person can go on a tract of land without previous proofs to ascertain what they call forfeiture, and that the State only can avail itself of that forfeiture. Also that the patents issued to the Holland and Population Companies cure all fault in the title, being subsequent to the alledged forfeiture. We ask was there a "forfeiture" or a non-investment of any title and a consequent impossibility of forfeiture? We also ask whether a patent issued with-

out law can legalize what the Legislature forbad? We meditate a memorial to the Court to explain our unanimous views.

I am afraid I have tired you and therefore Conclude myself,

Your respect. h. Servant,

TENCH COXE.

29 August, 1801. It is understood by this Evening's mail that Rhamanie is taken by 8,000 British and Turks, against a French force of half the number. But if it be taken with any material loss of killed or prisoners on the part of the French, it is a serious affair.

31 August. I have just received the astonishing inform^n. that the grand Jury has not found Bills against the seven outrages of Smilie. The men who will have lands under the law of 1799, 700 in number, must be unfaithful to Pennsylvania, and to their own Interests, if they do not take such measures as will maintain government in that quarter. I think you will see that no harsh estimate has been made of men and things, as has been heretofore made by the Pennsylvanians; the History of this Intrusion, from 1755 to this day, has made strong Impressions upon my mind. Connecticut herself, in 1784, by her Governor, said We will never disturb the Decree of Trenton, yet her Legislature voted to disturb it; one house 1796, and was near carrying it in the other, and issued a Deed in 1795 calling for the "pretended" North line of Pennsylv^a.

I would offend with no exhibitions of distrust, But I would see all clear, as we proceed in all things.

(17.)

Lancaster, August 29, 1801.

Gentlemen:

I trouble you with a letter upon a private interest in one of the Cases before, Being under a small eventual engagement for the Estate of Col. Thomas Hartley, and having received an Application for and from one of the Executors, I beg the favor of your Causing a revision to be made of the papers in that Case, and will thank for information of any matter whatever, which it is necessary to do in order to give every benefit of the law. If you find everything in order, I will thank you to proceed upon the case; and your opinion upon it, when it will be in your power, will oblige me, in case any Circumstances prevent your immediate action in the case.

There are I believe 3 tracts and parts of tracts.

I am, Gentlemen

Your respectf^l. H. Serv^t.,

TENCH COXE.

The Commissioners of Valuation, Luzerne.

(18.)

Land Office, Lancaster, November 2, 1801.

Gentlemen:

I herewith transmit you a number of returns and several Draughts, which I received from the Surveyor general's Office on Saturday last, relative to the Claim of the heirs of the late Cha^{s}. Stewart, to lands in the 17 towns.

From the advanced Season of the year, I presume you will shortly close your labours on the Susqueh^{a} and return to this place; otherwise I should write more particularly.

Wishing you the most perfect Success in the accomplishment of the important Business with which you are entrusted,

I am, with due Consid^{n}.,

Your Obedt. Serv^{t}.,

ANDREW ELLICOTT.

Thomas Cooper, Esq^{r}., Gen^{l}. Steele and W^{m}. Wilson, Esq^{r}., Comm^{rs}., &^{ca}.

(19.)

[Not dated.]

Gentlemen:

Herewith enclosed you will receive Eleven ½ Sheets of paper, Containing eleven Certified copies of Acts or Deeds of Submission of Connecticut Settlers, numbered from 760 to 770 inclusive. There are two other Submissions which were laid out by your Clerk for copying, one in the name of Joseph Horsefield, for 40 acres in Pittstown, and the other in the name of Lemuel Gustine, for 10 A^{s} in Kingston, which added to the eleven herewith sent you, will make the 13 said to have been mislaid. The two last mentioned Submissions have been already copied for the Use of the Commissioners, and the Copies forwarded to them, as appears from the Memorandums made on the originals by M^{r}. Worral in the usual way.

Should you, however, deem it indispensibly necessary that you should be furnished a Second time with Copies of any of those instruments, you will please to hand me a particular list of the numbers, names, &^{ca}., of all that are yet wanted. I would thank you for a receipt for the Copies entered.

With due respect and Esteem,

I am, Gentlemen,

Your mo. Obt. Hble. Serv^{t}.,

ANDREW ELLICOTT,

Sy. of L^{d} Office.

Thomas Cooper, Esq^{r}., Gen^{l}. Steele and W. Wilson, Esq^{r}., Comm'rs.

(20.)

Land Office of Penns^{a}., April 9, 1802.

Gentlemen:

On the 24th day of February last I had the pleasure to forward to you Copies of eleven Connecticut Submissions, numbered from 760 to 770 inclusive, for which no receipt has been given. You will now receive enclosed a Certified Copy of the release of William Helmes and Wife to the Commonwealth, made under the Act of April the 4th, 1799, for which you will please to send a receipt, together with one for the aforesaid eleven Submissions.

I am, with much respect,
Gentlemen,
Your Mo. Obt., Hble. Servant,
ANDREW ELLICOTT,
Secretary of the Land Office.

Thomas Cooper, Esq^{r}., Gen^{l}. Steele and W^{m}. Wilson, Esq^{r}., Comm'rs.

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(21.)

Land Office, Lancaster, June 17, 1802.

Gentlemen:

A letter from M^{r}. Cooper, under date of the 28th of May, 1802, with its several enclosures, has been received. The Memorandum therein Contained was immediately laid before the general Surveyor, with a request to furnish the several Copies desired for the Use of the Commissioners, as soon as Conveniently they Could be made up.

Herewith enclosed you will receive a Number of Copies of Connecticut Submissions, &^{ca}. The two Submissions in the names of Vandermark and Tuttle are not Certified in the usual manner; they are Considered invalid on account of the date which they bear. The Board have considered the Act of 1802 as Supplementary to the Act of April 4, 1799, and are of Opinion its provisions were intended to embrace two kinds of Submissions. The first object of the act alluded to, is to extend for a limitted time the receiving Pennsylvania releases and the claims of the Connecticut Settlers into the Land Office after the 1st day of January, 1801, and before the passage of the Act of 1802, to be legal.

The Board conceived that under the first provision of the Act of 1802, all submissions made in pursuance thereof must bear date subsequent to the Act itself, and that under the second

provision no submiss^{ns} were embraced but those that had been actually received by and the originals in the possession of the Land Office, prior to the date of the law under which they were to have a legal existence; the form of the Certificate of the Commissioners, which M^{r}. Cooper was so obliging as to forward to me for consideration, you will also receive enclosed. It is conceived that it will be complete if the Commissioners will be so obliging as to insert in each Certificate to be issued the number of the Connecticut Submission and the date of the Pennsylvania release.

I am, very respectfully,

Gentlemen,

Your most Ob^{t}., Hble, Servant,

ANDREW ELLICOTT,

Sec^{y}. Land Office.

P. S.—From a Memorandum kept by the general Survey^{r} of the Copies furnished from his Office, it is found that the several returns mentioned as wanted in M^{r}. Cooper's Letter, and released by Jen. Helm, have been furnished to the Commissioners long since. They were made out under P. Stewart's Application by Jen. Helm, her attorney, of which the present release of Jen. Helm is a Confirmation.

Yours, &^{ca}.,

ANDREW ELLICOTT.

Tho^{s} Cooper, Esq^{r}., Gen^{l}. Steele and W. Wilson, Esq^{r}., Comm'rs. &^{ca}.

Memorandum of papers enclosed:

1. Set of Submissions numbered from 762 to 770 inclusive.
2. 2 " N°. 117 to 760, under Seal of Office.
3. 1 " D°. B. Vandemark, Invalid.
4. 1 " D°. Original H. Tuttle D°.
5. 1 Pennsylvania release, John Bull, Esq^{r}.
6. 1 Commissioner's Certificate.
7. 2 Copies of Draughts from S. G., mentioned in John Bull's release.

(23.)

Lancaster, July 15, 1802.

Gentlemen:

You will receive enclosed certified Copies of a number of Submissions of Connecticut Settlers, numbered from 772 to 802 inclusive. You will also receive herewith an original Submission in the Name of John Fairchild, Junior, which is returned

as invalid on account of the date it bears. It would, perhaps be proper to have it handed to Mr. Fairchild, Jr., without much delay, that he may make a new one before the expiration of the time limited by law.

I am, Gentlemen,

Yours, &c.,

ANDREW ELLICOTT,

Secy Land Office.

Thomas Cooper, Esqr., Genl. Steele, W. Wilson, Esqr., Commrs.

(23.)

Lancaster, July 19, 1802.

Sir: Agreeably to the request contained in yours of the 10th Ins., I enclose Copies of the following returns of Survey:

Application N°.	141,	305½	A., Jas. Shaw.
	702,	309	" Jn°. Hammon.
	721,	317	" Arch. Stewart.
	721,	352	" Jno. Boune.
	1,986,	277	" David Feazer.

From the Memorandum you have given in the case of Enoch Smith, the papers cannot be found; this was the reason why they were not sent when you first requested them. The other papers being amongst some of the last forwarded, I supposed they might not have reached you at the time of writing, but that they would be afterwards received. When the release of Enoch Smith is received the papers may perhaps be better described; if they can then be found Copies will be immediately forwarded.

I am, Sir, with respect,

Yours, &c.,

SAMUEL COCHRAN.

Thomas Cooper, Esqr.

(24.)

Lancaster, July 19, 1802.

Gentlemen:

Herewith enclosed you will receive Copies of 12 Connecticut Submissions numbered from 809 to 820 inclusive: Also the 3rd Copy of N°. 117, in the Name of Abraham Bradley, Junior, a

Copy of which was also forwarded by my letter of the 10th June last.

I am with respect, &c.,

ANDREW ELLICOTT,
Secy L. Office.

Thos. Cooper, Esqr., Genl. Steele, Will. Wilson, Esqr.

(25.)

Land Office, Lancaster, July 27, 1802.

Gentlemen:

Herewith enclosed you will receive the following papers relative to your Commission: 1. Copy of Sam. McClay & Wife's release; 2. Copy of Dan. Gore, Sub. No. 225; 3. 15 Submns Nd. from 821 to 835 inclusive. Last Evening came to hand a release from Enoch Smith to the State; also a release of Dower of Gaynor Smith, his wife, to the State. The last Instrument is without acknowledgement or proof of execution. The necessary Copies of these Instruments will be furnished you as soon as they can be got ready.

I am, &c.,

ANDREW ELLICOTT,
Secy Land Office.

Thos. Cooper, &cs., Comm'rs.

(26.)

Land Office, Lancaster, July 29, 1802.

Gentlemen: Herewith enclosed you will receive the following Copies, viz: 12 half sheets of Connecticut Submissions, No. 830 to 847, and 3 Copies of returns of Survey in the names of Charles Beaver, William Fisher and William Webb, which are mentioned in the release of Enoch Smith, a few days since came to hand.

I am, very respectfully,
Gentlemen,
Your mo. Obt., H. Servt.,
ANDREW ELLICOTT,
Secy Land Office, Penns.

Thomas Cooper, Esqr., Genl. Steele and William Wilson, Esqr., Commissioners, Luzerne Co., Penns.

(27.)

Land Office, Lancaster, August 26, 1802.

Gentlemen:

I have the pleasure herewith to enclose you a number of Official Copies and other papers relative to the object of your Commission, as p^{r}. List at foot.

For a Copy of the Submission formerly made by M^{r}. Samuel Franklin, you will please to turn to N^{o}. 469 of those already furnished. A certified copy of the Submission of Hamilton Grant has also been transmitted to you, but no notice whatever has been taken of the old certificate annexed to the original by the Board of Property.

The Submission of Jacob Smithers, dated the 20th of July, 1802, and received at the Land Office on the 7th of this Inst., is held under advisement by the Board of Property, with several others subsequently received.

You will receive likewise an original Submission, executed by Mehitable Munroe and Charles Gaylord, Administrator on the Estate of Nathan Munroe, dec^{d}., which has been rejected, and is now returned for the same reason as those in the names of Tuttle and Vandemark were, and not on the account of the omission of the recital of the Act of April 6, 1802.

You will please to observe in this Submission, as well as in those, that the only objection to its being accepted is the Date it bears, viz, the 27 December, 1800.

I am, Gentlemen,

Your obedient Servant,

ANDREW ELLICOTT.

Thomas Cooper, Esq^{r}., Gen^{l}. John Steele & William Wilson, Esq^{r}.

Enclosures in the foregoing Letter:

N^{o}. 1, Bundle of Connecticut Submissions.
" 2, original Submission of Munroe's.
" 3, Copies of returns of Survey.

One bundle containing 10 Drafts from Surveyor General's Office.

Copy of a release of John B. Wallace.
D^{o}. of Richard Manning and Wife.
D^{o}. of George Armstrong and Wife.
D^{o}. of Thomas Palmer, W. Bell and Ephraim Blain.
D^{o}. Thomas Lukens.
D^{o}. David M^{c}Kinney *et al.*
D^{o}. Daniel Bussard.
D^{o}. Jacob Good and wife.

(28.)

Lancaster, May 7th, 1803.

Sir: At the time of removing our Office the two papers enclosed were mislaid, so that it was out of my power to return them to you previous to your departure from this place. I therefore, as soon as they were found, have taken the 1st opportunity of transmitting them to you.

I am, respectfully,

Your obedient, Hble Servant,

SAM[l] COCHRAN.

Thomas Cooper, Esqr.

(29.)

Lancaster, June 22, 1803.

Sir: Yours of the 18th Instant came to hand last night. In answer thereto, would observe that upon examining the account and vouchers, handed me by you last Spring, the items now in dispute, altho' regularly vouched, appeared to be such as I could not admit; but before I would make any deduction I wished to obtain further information on the Subject.

If my recollection is correct, I think it was the Sunday after I received the papers, I met Gen[l]. Steele on the street; in the course of conversation I mentioned the charges alluded to, and the same day shewed him the account; his opinion coinciding with my own, and he being one of the Commissioners, confirmed me the more. When I met you at the Comptroller's office, agreeably to your request, after some conversation you proposed (I think) to leave the matter to the other two Commissioners, to which M[r]. Bryan and myself agreed, at this time M[r]. Wells had not been mentioned by you, nor did at that time know that General Steele had left the Borough.

Upon your calling with M[r]. Wells, I mentioned that as you had proposed to refer the Difference to the two other Commissioners it would be better to let them determine the Business. M[r]. Wilson is now dead, nor would I wish to cast a cloud over his memory (for I held him in high estimation as a man of honor), but am surprized that he should insinuate that M[r]. Bryan & myself, or either of us, had any unfair or cunning design in view to injure you. I feel perfectly easy on the Subject, as my own heart does not charge me with improper conduct in the Business. I consider those charges in your acct. suspended until some report is made upon them; this cannot possibly be done now by the parties originally mentioned. I would, therefore,

propose a mode of Settlement much more expeditious and less troublesome than by appealing, which is that the Business be left to the Commissioner who fills the place of Mr. Wilson, Mr. Wells and some other reputable person, or to any two or three respectable characters those who are acquainted with the Subject (a Copy of the papers you have). They approving and you forwarding a Cert. thereof, would be in my opinion satisfactory to the department, and enable them to settle the business.

The Comptroller is not in town, but I have no doubt but he will agree to the above mode.

I am, Sir,

Your humble Servant,

GEORGE DUFFIELD.

Thomas Cooper, Esqr., Commissioner.

30.)

Lancaster, July 8, 1803.

Sir: Your letter of the 18th June last did not come to my hand till Wednesday last, having been absent from home for several weeks attending the Supreme Court. I must confess I was very much surprized at the contents of your Letter, for my conduct was perfectly ingenuous. When the account came from the Register General's I was fully impressed with the opinion that you had been apprised of the deductions and had acquiesced in their propriety; but when I was informed you had had no opportunity to offer your objections, and to shew the justice of the full charge, I agreed without hesitation to a revision. When Mr. Duffield made the proposition relative to General Steele, &c., I was not acquainted with his ideas or impressions on the subject of your account. Mr. Duffield may have been, as there subsists a cordial and very frequent intercourse between those Gentlemen. Mr. Duffield informed me that he had made a new proposition to you, which was to refer the Business to the other two Commissioners, or to any three respectable and disinterested men, to which I freely agree.

I am, Sir,

Your most obedient Servt.,

SAM[L] BRYAN.

Thomas Cooper, Esqr., Commissioner.

(31.)

Register Gen[le] Office, July 4, 1803.

Thomas Cooper, Esq[r]. :

Sir : Yours of the 2[nd] Inst. came to hand yesterday. The Comptroller General was absent when I last wrote and has not yet returned. What his opinion may be I cannot say certainly, but have no reason to doubt of his agreeing to the mode proposed to you by myself.

I am, Sir,
Your obedient Servant,
GEORGE DUFFIELD.

(32.)

Land Office, Lancaster, July 20, 1803.

Gentlemen .

At the request of M[r]. Aaron Levi, I enclose to you certified copies of Six returns of Survey, for Lands said to be released to the State, under his release, of which I presume you have a copy.

I am, with respect,
Gentlemen,
Your mo. obt. Servant,
ANDREW ELLICOTT.
Secretary of Land Office.

Thomas Cooper, Esq[r]., Gen[l]. John Steele, William Wilson, Esq., Comm'rs.

(33.)

Land Office, Lancaster, Jany 2, 1804.

Gentlemen :

Herewith you will receive a certified Copy of a release from Antoine Nicholas Goddard, by his Atty., to the Commonwealth, made under and in pursuance of the Act of Assembly, of the 4[th] of April, 1799, together with a certified copy of the return of Survey of the tract of Land therein conveyed.

You will observe by the Deposition on the aforesaid Copy, that the Grantor was absent from the United States at the time the law passed, and continued absent until the 15 Aug[t] last, when he returned and executed his Deed in due form of law, and forwarded to me on the 14 Nov. last.

ANDREW ELLICOTT,
Sec'y Land Office.

Thomas Cooper, &[c].

LETTERS

FROM THE

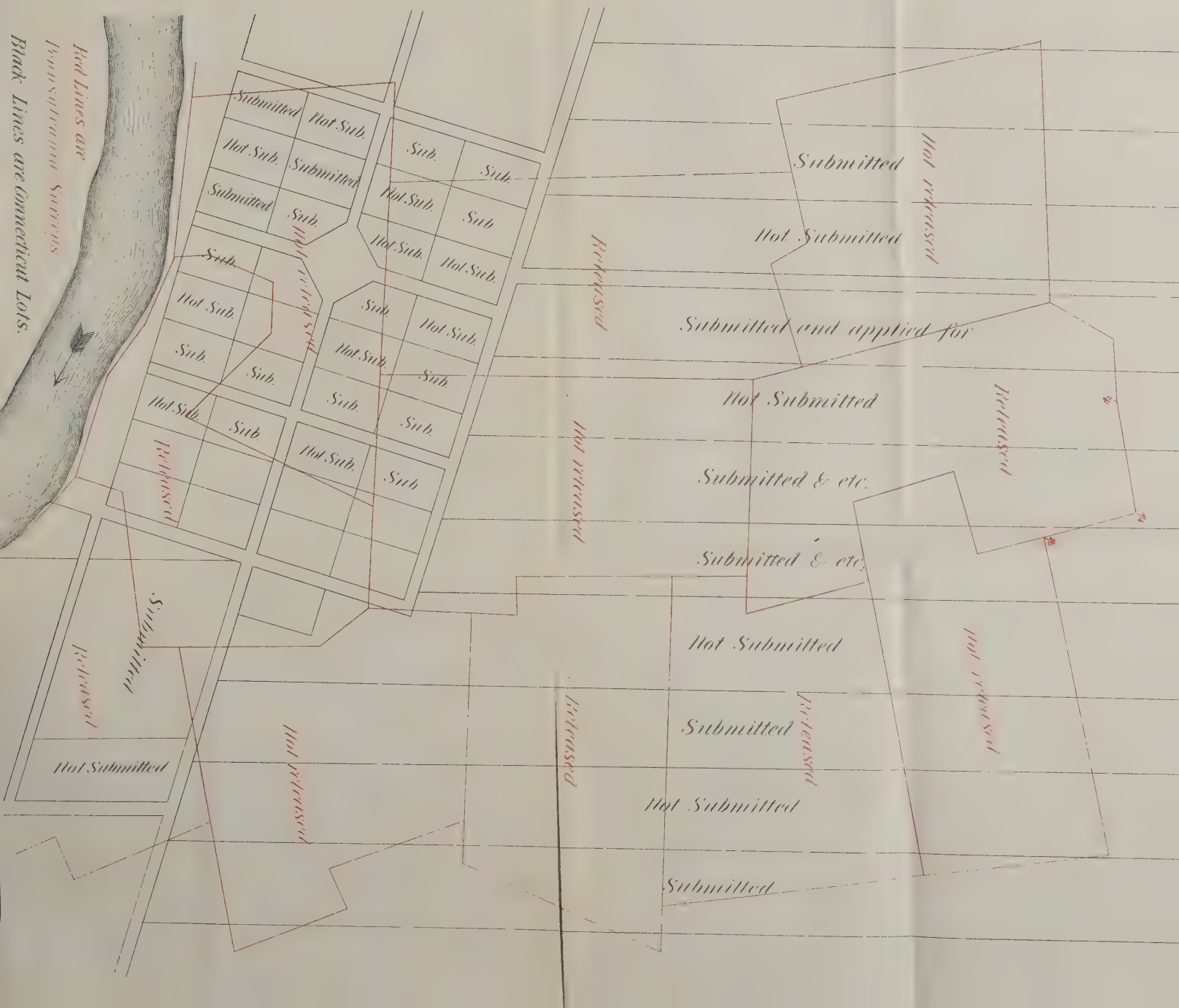
COMMISSIONERS OF PENNSYLVANIA

TO

VARIOUS PERSONS.

Example of Connecticut and Pennsylvania Surveys

How They Cross, Interfere With, and Cut One Another Up.
Some Connecticut Lots Submitted and Some Not.
Some Pennsylvania Tracts Released and Some Not.



LETTERS FROM THE COMMISSIONERS.

To Obediah Gore and others.

[*June*, 1801.]

Gentlemen:

As we understand there will be considerable difficulty in making out anything like a compleat and connected legal Chain of title, to Claims under the Susquehanna Company, in favour of the present Settlers of lots and rights within the 17 townships, we take the liberty of applying to you for information that may materially affect the peaceable and beneficial operation of the Act of Assembly, under which we are appointed, not doubting but you will wave any objection of Informality to a request which is calculated to farther the mild Intentions of the Legislature, and the Welfare of a County, wherein you hold situations so conspicuous and respectable.

We are given to understand that some years ago, while you sat upon the Bench and officiated as Associate Judges of the Court of Common pleas of the County of Luzerne, frequent Suits were submitted to your determination between contending Claimants under Connecticut rights, altho' of late the President Judge has deemed it inconsistent with his duty to entertain Cognizance of any Causes that did not originate in a title derived from the State of Penns[a].

During the time when you devoted your attention to the decision of Connecticut Claims, many Instances most probably have occurred wherein the Claim'ts were unable to compleat their Chain of title by written Documents, legally substantiated. If such Cases have occurred before you, We beg to know, 1[st], generally:

1. What rules or regulations you laid down for the guidance of the Bench; or what were admitted as *ex necessitate rei* by the Gentlemen of Counsel at the Bar, in the adoption of parol to supply written testimony, if any?

2. More particularly, whether you ever required proof of the Incorporation of the Susquehanna Company?

3. What evidence you required of the regulations of that Company, which were to guide the Conduct and rights of the Settlers? What original or Copies did you admit, and, if Copies,

on what grounds was the production of the original dispensed with?

4. Can you inform us how we can procure, or where we can apply for any original minutes, or any authentic transcript of those Regulations down to the end of 1782, or how low down? Seeing that the Act of Assembly of Ap. 4, 1799, has established those regulations as the basis of our proceedings?

5. Were the votes and resolutions of the Committees of the Susquehanna Company considered as binding on the Settlers? Were they binding on the actual Settlers at the time as well as upon future Settlers? how were those Committees appointed?

6. Were original rights, whether of Townships or Individuals, Considered as forfeited by Non compliance with the regulations of the Company, or of its Committees? In what Instances, within your knowledge, have such forfeitures been insisted on and established?

7. How were the Boundaries of Townships originally established? or latterly ascertained? What evidence respecting them did you deem sufficient under the Circumstances of the Country? Are there any authentic minutes of the Surveys of Townships existing or produceable?

8. In what way were the Boundaries of contested lots usually ascertained? Was it required that the grant of the Company to original Settlers should be procured in Court? or in what cases, and under what Circumstances, was oral evidence admitted, either of prescriptive possession, or of surveys made within the knowledge of the Witnesses?

9. Was it customary for Claimants to suggest the loss of papers, or the Destruction of papers? or the neglect of procuring from the Grantor the written evidence of the rights of such Grantors? Were any such suggestions usually admitted, either under the Authority of the Court or by Consent of Counsel? or were they rejected, as in the latter Case we apprehend they must have been, and the parties put to strict proof? Or what were the rules and practice in this respect?

10. From your knowledge and experience of the titles of this County, under the Susquehanna or Connecticut Claim, what is the kind of proof you would suggest for the consideration of the Commissioners as necessary, or reasonable, to be admitted, when such Claimants come before them with titles resting upon evidence apparently defective, in that legal precision usually required by the Courts of Law?

We Certainly mean to go as near to legal precision as the Cases will enable us. We are aware that the best evidence the case will admit may reasonably be deemed legal evidence. But in this early stage of our duty, and Strangers as we are to the

local difficulties and disputes that respect the titles in this County, we do not feel ourselves so Competent to appreciate those difficulties, in the production of original docum^ts and regular Evidence, as you, Gentlemen, whose Situations and Experiences have furnished you with superior Advantages in this respect. We are desirous of Complying with what we regard as the intentions of the Legislature in doing substantial justice, but we fear the evidence in very many cases, where we have no suspicion of the equity of the Claimant's title, will be unusually loose and irregular, not merely from inability arising out of the Circumstances of the County, But from negligence on the part of the Claimant.

Your past observations in these respects, and your knowledge of the mutual admissions of Contending Claimants under the Connecticut title, May throw light upon the Subject and render our proceedings more satisfactory to ourselves and others. We request the Benefit of your Assistance in distinct answers to the preceding Queries, so far as they lie within the Compass of your knowledge and Experience, and beg of you to excuse the trouble which the present Application may occasion.

We are, &^ca.,

THOMAS COOPER.
JOHN STEELE.
WILLIAM WILSON.

Obediah Gore, Nathan Denison, Mathias Hollenback and Rosewell Welles, Esq^rs.

The Commissioners to Daniel Rees.

Wilkesbarre, June 20, 1801.

M^r. Daniel Rees, Northumberland County:

Sir: It appears that you have released to the State of Pennsylvania two tracts of land, originally part of Sunbury Manor, and purchased of Jos. Ogden and David M^cKinney. The Commissioners cannot proceed to take Cognizance of them without further description. They must have transmitted to them Office copies of the returns of Surveys, and a Statement of the Chain of title from the proprietaries, with the original Documents; without these they neither know where the lands are to be found, Nor whether your Grantors had any right to them.

By order of the Board of Comm^rs.

I am, Sir,
Your humble Servant,
THOMAS LLOYD,
Clerk to the Commiss^rs.

The Commissioners to John Cooke.

Wilkesbarre, June 20, 1801.

John Cook, Esq^r., Northumb^d, Northumberl^d County:

Sir: It appears that as Executor Cum test annexo of William M^cCord, you have released to the State certain tracts situated on Lacawanna, surveyed for James Parr, W. M^cCord, William Wilson, Sam. M^cClay, Casp. Weitzell, James Moore, W^m. Foster, David Meade, Alex^r. Templeton, John Weitzell and Russel, Jacob Smith, John Lugar: All these tracts have been released also by James Moore and Wife, who have procured and transmitted returns of Survey of most of them. Is this a joint Concern? or is it a Contested Claim? Without further informat^n it is impossible for the Commissioners to certify respecting them.

By order of the Comm'rs.

THOMAS LLOYD,
Clerk to the Comm'rs.

———

The Commissioners to Thomas Grant.

Wilkesbarre, June 20, 1801.

Thomas Grant, Esq^r., Near Sunbury, North^d County:

Sir: It appears that you have released to the State of Pennsylvania a tract of land of 307 or 308 acres and Allowance, for there are 2 Surveys in the name of John Wolf. I am directed to request you would give them further information, whether this be the same with one returned by Aaron Levy, as warranted in the same name, and, if so, whether this be a joint Concern or a contested right.

THOMAS LLOYD,
Clerk to the Commiss^rs.

———

The Commissioners to James Rose.

Wilkesbarre, June 20, 1801.

M^r. James Rose, North^d:

Sir: I am direct^d by the Com'rs appoint^d to carry into effect the Act of April 4, 1799, Offering, &^c., to mention that in the release made by you to the State of P^a. of a tract, warranted in the name of W^m. Thorp, It does not appear how you are entitled under M^r. James Rose of Philadelphia. If by testament, an authenticated extract of the Will should be set forth. The release is in other respects very incorrect. Neither does

it appear in an[r] release how you are entitled to act as Attorney for R. H. Rose. They beg farther Information on these points.

I am, Sir,

Yours,

THOMAS LLOYD.

The Commissioners to Alex. Hunter.

Wilkesbarre, June, 1801.

M[r]. Alexander Hunter, near Sunbury:

Sir: It appears that you have released to the State of Pennsylvania certain tracts of land, as follows, viz: 150 acres allotted to be surveyed for Thomas Osborne, also $\frac{1}{3}$ of lands containing 3,383¾ Acres, Situate on or near the Waters of Lacawanna, held in partnership with James Rose and Wife.

The Commissioners beg to know whether Thomas Osborne's tract has been surveyed; If so, they request an Office Copy of the Survey.

They desire also to be informed more particularly where the 3,383¾ acres lie, and they wish you to transmit Office Copies of the Surveys, and also whe[r] James Moore's share be $\frac{2}{3}$ thereof, and whether a Survey of Alexander Templeton of 326¼ Acres be part of them.

Also whe[r] M[c]Cord or Laughlin M[c]Cartney have any, and what share in said Lands.

I am, Sir,

Yours, &[c].,

THOMAS LLOYD,

Clerk to the Commission.

The Commissioners to William Tilghman.

Wilkesbarre, June, 1801.

William Tilghman, Esq[r].; Phil[a].:

Sir: It appears that you have released to the State of Pennsylvania, as Executor of James Scovell, deceased, N[o]. 30 in the Manor of Stoke, stated as containing 100 acres, the return is 88 Acres 82 perches. Qu. Is there any encrease to that quantity by subsequent Survey?

N[o]. 24, in Sunbury Manor, Allotted to William Armstrong, appears to contain only 85 Acres, but the release states it to have been encreased to 150 by Charles Stewart. The Commissioners possess no Office Copy of the Survey, and therefore no

regular evidence of the contents of William Armstrong's Survey, and they beg you to transmit them any evidence you have or can procure of the addition suggested in the release, which makes that allotment 150 acres. There is also a release of a Warrant, but apparently without any Survey in the name of William Hamilton, 300 acres and Allow^{ce}; but if this be on Red Bank creek, it is out of their Jurisdiction.

I am, &^{c}.,

THOMAS LLOYD.

The Commissioners to Edmund Physick.

Wilkesbarre, June, 1801.

Edm^{d}. Physick. Esq^{r}., Phila.:

Sir: It is impossible for the Comm'rs to proceed with any certainty, Satisfaction or effect in valuing the lands claimed and released by the late proprietors of Penns^{a} in their Manors in Luzerne County, without farther and accurate Acc^{t} of the lands therein, which have been disposed of heretofore to other persons, either under absolute Deeds of Sale or Executory Devises still binding. They beg, therefore, therefore, that immediate information, and such as they can act upon, be transmitted without delay upon these points, that they may be enabled to do justice to the proprietaries. The list of allotm^{ts} by Mess^{rs}. Tilghman, Shippen and Lukens in 1771, does not supply the inform^{n} required. In hopes of an early reply,

I am, Sir, &^{ca}.,

Yours,

THOMAS LLOYD, *Clk.*

The Commissioners to James Rose.

Wilkesbarre, June, 1801.

James Rose, Esquire, Attorney-at-Law, near Williamsport, Lycoming County:

Sir: The Commissioners appointed for putting in execution the Act of 4th April, 1799, For offering Compensation to the Pennsylvania Claimants of certain Lands within the 17 Townships, &^{c}., request you to furnish them with information on the following points, without which they cannot do justice to the Claims of the deceased M^{r}. Galbreath Patterson, and the other heirs of M^{r}. W. Patterson, Esq^{r}.

Is the release of a Moiety of a tract warranted in the name

of Robert Wood, the same with one claimed by John Ewing and Wife? The Survey of Mr. Ewing's states the tract to Contain 229½ Acres. Mr. Galbreath Patterson has not sent, as he should, an Office Copy of Mr. W. Patterson's return of Survey of the tract in question. The above tract is stated to be held in partnership with R. Stewart, but he does appear to have noticed his Share in his release to the State.

There appears also to have been an agreement between Mr. W. Patterson and Mr. John Cox, dated Jany 20, 1774, for taking up lands in partnership, of which Mr. Cox was to have the ⅓d. The tracts so taken up are in the names of John Vansant and others. Can you furnish the Commrs with any transcript or Abstract of the Agreement with Cox to this purpose. The Agreement, of which no more than the date is Stated by the heirs of Cox, is of 20 Jan'y, 1774.

Are the Warrants taken out by Cox, in the names of William Smith and Thomas Smith, returned or not? if they are, the Comm'rs should have the Office Copies of Surveys, and any other informn that can be given respecting the Situations. Quere. Is there any title to part of these two last mentioned tracts in Dr. W. Smith, who returns Warants in the same names?

Again, there appears to have been an agreement to take up lands in the now County of Luzerne, between Wm. Patterson, Joseph Wharton and Matthias Slough. What lands, if any, were taken up under that Agreem't? if any be pleased to transmit the Office Copies of the returns of Survey, if they have been surveyed. W. Patterson was to have ⅓.

Your early attention to these queries will promote the Interest of the heirs of W. Patterson,

and Oblige,

Yours, &c.,

THOMAS LLOYD.

The Commissioners to Elias Boudinot.

Wilkesbarre, June 24, 1801.

Elias Boudinot, Esqr.:

Sir: It appears that the tracts of Land which you have released to the State of Pennsylvania under the Act of 4 April, 1799, For offering Compensation to the Pennsylvania Claimants of certain lands within the 17 townships, in the County of Luzerne, &ca., in the names of John Pryor, George Dudley and Conrad Appleman, is Warrantees have also been released by

M^r. Daniel Montgomery, of Northumberland, The Commissioners beg to know whether this is a joint or contested Claim.

I am, &^c.,

Yours,

THOMAS LLOYD,
Clerk to the Commission.

The Commission to Daniel Montgomery.

Wilkesbarre, June 24, 1801.

M^r. Daniel Montgomery, Danville, North^d County:

Sir: It appears that by your Attorney, Robert Montgomery, you have released to the State of Pennsylvania certain tracts, warranted in the names of John Pryor, George Dudley and Conrad Appleman, patented and named respectively "Dullage," "Durham" and "Sydenham." M^r. Elias Boudinot hath also released the same lands. The Comm'rs beg to know whether this be a joint Concern or a contested Claim.

I am, &^ca.,

THOMAS LLOYD, *Clk.*, *&^ca.*

The Commissioners to Jesse Fell.

Wilkesbarre, July 2, 1801.

Jesse Fell, Esquire:

Dear Sir: I understand that many of the Connecticut Claimants in this town, who are otherwise ready to adduce evidence of their Claims, are apprehensive that the Certificate of the Commissioners is not likely to be final, and that they may perhaps be called upon for the Same Evidence before the Board of Property, and that this opinion is founded on some Conversation of mine. I do not recollect having expressed any other opinion than that which I hold, namely, that altho' in case of a Caveat entered against the reception of the Commissioners, the Board of property will have a right to Construe the Act for themselves, and determine whether in such a Case they will admit the Certificate as Conclusive Evidence; yet in my opinion there is nó probability that such a Certificate will be rejected or objected to, especially in Cases where no Contending Claimant stands forward to impeach it.

THOMAS COOPER.

The Commissioners to the Secretary.

Wilkesbarre, July 14, 1801.

Sir: It is with much Concern we received your letter, stating that you were unable to furnish us with any information respecting the proprietary Manors, other than we appear to have. The release makes a reservation of all those tracts or parcels of land within the Manor which have been sold by the proprietaries, or for which Contracts of sale have been made. We want to know:

1st. Of the Agreements executed. What are the Conditions therein contained? Are any of them invalid for non-performance of Conditions? How many of them are binding upon the proprietary Estate? Of such as are valid, how are we to proceed the returns of Survey to determine their Situation? Have you any means of determining who are the present Owners?

2. Of the Agreements that were not executed. Are any of them considered as binding? How can we procure the Draughts of Survey? On what conditions were these agreements made? We think there is no room to doubt whether any of these agreements convey a legal title, or even an equitable one, that can be Supported, unless accompanied on the part of the purchaser with something like a specific performance of his part of the Contract. At all Events we beg of you to exert your utmost to furnish us with the means of ascertaining in what part of the Manors these tracts are situated, that in our Certificates we may keep clear of them.

The proprietary interest is at stake on this question to the whole value of the Manors; for we cannot certify in the dark as to the value, without knowing where the parcels disposed of are situate; nor can we certify a single tract of the Connecticut Claimant, within the Manors, for fear of stumbling upon some portion sold by the late proprietors, and not yet released by the purchaser or his Assigns.

We entertain no doubt whatever of the propriety of your speedily coming up hither by way of Lancaster & North^d, to procure at the 1st place office Copies of the Draughts of Survey of the plots sold, and at the second to search the records to see what agreements were recorded; indeed to hasten the business we shall send those records.

Mr. Roberts or Mr. Moore, Attornies there, to examine those records and send us information of their Contents, so that if you think best you may omit that route, tho' from Lancaster it would be as good a way as any hither. We say, without scruple, that the only certain means the late proprietaries have to get anything for the lands, is to attend to the above men-

tioned Circumstances. In hopes, therefore, of seeing you as early as your Convenience will allow,

We are, Sir,

Your humble Servants,

THOMAS COOPER,
JOHN STEELE,
WILLIAM WILSON.

———

The Commissioners to Conyngham and others.

Wilkesbarre, July 14, 1801.

Messrs. Conyngham, Meredith, &ca. :

Gentlemen :

The Comm'rs find 2 releases of land by you to the State, the one of specific tracts, the other dated Sepr. 29th, 1800, whereby Mr. Conyngham and Nesbitt release all their joint and separate Claims within the 17 townships generally. Upon this last release it is impossible for the Comm'rs to act, without precise information of what tracts are intended to be conveyed by it. They beg you would be good enough to furnish them with precise information, necessary to put in execution the latter release.

I am Gentlemen, &c.,

THOMAS LLOYD, *Clk.*, &ca.

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The Commissioners to Aaron Levy.

Wilkesbarre, July 14, 1801.

Aaron Levy, Esqr., Philadelphia:

Sir: The Commissioners beg to know of whether the 12 tracts released by you to the State of Pennsylvania, in Luzerne County, in the names of Conrad Picard and others, have ever been warranted, surveyed and returned. If so, they request you to transmit office copies of such Survey and returns, otherwise they cannot take cognizance of them.

I am, Sir,

Your humble Servt.,

THOMAS LLOYD, *Clk.*

———

The Commissioners to William Bingham.

Wilkesbarre, July 14. 1801.

William Bingham, Esqr. :

Sir: I am directed by the Comm'rs to state the follows circumstances respects the Lands by you released to the State in Lz. Coy.

Of the 12 tracts surveyed, whereof the Heirs of Lukens claim $\frac{1}{3}$, no return of survey is furnished for the tract named Dublin, 313½ as. We beg to receive one from the Office.

The Surveyors under the last Comm'rs, and those also under the present, have been assiduously hunting the lines of the 2 tracts at the back of the proprietary manor of Stoke, in Wilkesbarre township. They are named Belfast and Newry, 318¼ and 390 acres, Warranted to W^m^. Lennox and Charles Miller; as they are not to be found we know not what measures either you or we can take respecting them, except under an order of resurvey.

We fear the 10 other tracts given to M^r^. Sambourne to survey and return are not out of the provisions of the act in point of time, for they are not returned till after the 4th April, 1799. I am, Sir, in behalf of the Comm'rs,

Sir, Your obedient Servant,

THOMAS LLOYD,
Clerk to the Commissioners.

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The Commissioners to Peter Snyder and others.

Wilkesbarre, July 14, 1801.

Mess^rs^. Peter Snyder, John Young & Chris^r^. Hertzel.

Gentlemen:

In your release of certain tracts, formerly belonging to M^r^. Peter Kachlin, deceased, situate in the Co. of Luzerne, viz: the tracts warranted in the name of Peter Kachlin, Henry Hess, Henry Snyder, Peter Conrad, W^m^. Hill, Michael Kocker, Jacob Miller and Christopher Wolf, there is a suggestion of their having been surveyed and returned, but no proof of it. If they are held by warrant only, the title is defective. If they are really surveyed and returned, we beg of you as early as you can to transmit to us certified copies of such surveys, &^c^.,

I am, on Behalf of the Comm'rs,
Gent^l^., Your obd^t^. Servant,
THOMAS LLOYD.

———

The Commissioners to Charles Hartley.

Wilkesbarre, July 14, 1801.

Cha^s^. Hartley, Esq^r^,. Prothonotary of York County:

Sir: The Commissioners at this place, appointed to carry into execution the Act of April. 1799, respecting the Claimants of Luzerne lands, direct me to enquire, 1^st^. Whether the tracts

released by Thos. Hartley, Esqr., warranted in the names of James Thompson and Thomas Walker, are in any respect held under a Connecticut title, for the Submission of the tract warranted in the name of Benj. Luce and purchased of Putnam Catlin, Esqr., contains also a Submission of the 2 before-mentioned tracts, as if they were also held under a Connecticut title.

2nd. They beg to know whether the tract warranted to Benj. Luce is held under a Penns. title in whole or in part.

3rd. They wish for a Draught or Survey, exhibiting in what part of the said tract the 200 as. claimed by Thos. Hartley lie.

4th. They beg to know who is the present representative of Thos. Hartley, Esqr., deceased, in respect of the above property.

I am, Sir, Your Ob. H. Servant,

THOMAS LLOYD, *Clk., &c.*

— — —

The Commissioners to Rev. William Smith.

Wilkesbarre, July 14, 1801.

Dr. W. Smith:

Sir: The Commissioners appointed to carry into execution the Act of Ap. 4, 1799, offering Compensation to Pennsylva Claimants of lands in Luzerne County, beg you wd have the goodness to send them information on the following queries that arise on perusal of your release to the State.

1. As to the Nos. 6, 8, 14 and 17, on Abrahams Plains, can you furnish Office Copies of the Surveys, that their Situation and value can be accurately ascertained, and that the Commissioners may have evidence of such Survey?

2nd. You have released also for the representatives of Lukens; have you their authority for so doing? If not, the Comm'rs will be at a loss to proceed on an undivided tract released by one Share owner and not by the others.

3d. As the tracts warranted and surveyed in the names of Wm. Smith, Thomas Smith and Jos. Ball, Augustus Ripple, Wm. Rush, Samuel Laverty & Christian Strayley, ⅓ of these have been released by the heirs of Patterson, under an agreement for locating with John Cox. Does your ⅓ depend upon the same agreement, or how are you entitled? The heirs of Cox have also released the same Land, stating the agreement with Patterson, but not with you.

4. You have not stated in your release any chain of title by which you became entitled to the tracts Surveyed in the names of Richard Smith, John Parkinson and Simon Armstrong.

5. They wish to be informed of the Substance of the Contract

under which you claim a moiety of the Warrants in the name of John Cox and Jos. Read.

6. They wish also to be informed of the Substance of the Contract under which you claim a moiety of the Warrants in the names of John Cox and Jos. Read.

In furnishing answers to the above queries, as soon as your convenience will allow, You will oblige the Commissioners.

and Sir,

Your obedient Servt.,

THOMAS LLOYD, *Clerk*, &c.

The Commissioners to Mathias Barton.

Wilkesbarre, July 14, 1803.

Mathias Barton, Esqr., Lancaster:

Sir: The Commissioners appointed under the Act of 4 April, 1799, Offering compensation to Pennsylvania Claimants of Land in the County of Luzerne, &c., beg me to request that on the part of the heirs of of Mr. Cox, deceased, you would be good enough to furnish them with Office Copies of the Surveys of the tracts released by Mr. Cox's heirs in the names of William McCarroll, Eliz. Punner, Samuel Boucher and John Vansant. The other Surveys are furnished by the heirs of Patterson. They beg also to know the Substance of the agreement made by the late Mr. Cox with William Patterson, deceased, and with Doctor W. Smith, if any such there was, respecting the tracts released by Mr. Cox's representatives.

And also respecting 2 tracts in the names of John Cox and Joseph Read, Whereof Dr Smith Claims a Moiety. I am, Sir,

Your H. Servant,

THOMAS LLOYD, *Clk.*, &c.

The Commissioners to Charles Hurst.

Wilkesbarre, July 14, 1801.

Chas. Hurst, Esqr:

Sir: The Commrs., &c., direct me to state that they do not find any Authority for the Surveys made under the Rts. of Gaskell, Ld. Shelburn and Arent Sonmans. They are indeed surveyed by Noah Grant, but by what authority he surveyed them does not appear to the Comm'rs.

I am, Sir, Yr. obedt. Servant,

THOMAS LLOYD,

Clerk to the Comm'rs

The Commissioners to Margaret Fullerton.

Wilkesbarre, July 14, 1801.

Mrs. Margaret Fullerton, Phila.

Madam: The Comm'rs appointed to settle the Dispute respectg the title to Lands in Luzerne County, direct me to request that you would transmit them, to this place, all such information as you possess respecting Lands belonging to you in that County. They require an Office Copy of the Survey of such Lands, under the Hand and Seal of the Surveyor General of the Land office at Lancaster, without which it is impossible for them to find the Lands, & your release thereof is of no avail.

I am, Madam, Your ob., Hble Servant,

THOMAS LLOYD,
Clerk to the Comm'rs.

The Commissioners to Anne Kennedy.

Wilkesbarre, July 14, 1801.

Mrs. Anne Kennedy:

Madam: The Comm'rs appointed, &c., direct me to request that you would procure from the Ld Office of Pennsylvania, and transmit to them, a certified copy of the return of survey of a tract of Land, warranted in the name of Wm. Bell, and released by you to the State.

Without this they cannot accurately discover or value the Land in question, or indeed ascertain whether it is in or out of the Township of Putnam.

I am, Madam,

Yr. obt. Servt.,

THOMAS LLOYD,
Clk. to ye Comm'rs.

The Commissioners to Col. Francis Johnston.

Wilkesbarre, July 14, 1801.

Francis Johnston, Esqr., Philadelphia:

Sir: I am directed by the Commissioners apptd under the Act of 4 Ap., 1799, offering Compensation to Pennsa Claimants of land in Luz. County, to enquire whether you can furnish them with documents relating to any specific tracts owned by Lawrence Keene, Esqr., of that County. From there being a release generally of Mr. Keene's Land therein, it is to be presumed there are tracts to be found that wd. belong to his representatives;

but unless the Comm'rs possess the Office Copy of the Survey of such Land, it is impossible for them to find them, or to act on the release. I am, Sir, Your Ob. Servt.,

THOMAS LLOYD, *Clk.*, &c.

The Commission to the Secretary.

Wilkesbarre, July 13, 1801.

Sir: We have duly received the letters from you by post of July 14, 1801, partly directed to the Comm'rs generally and partly to Mr. Cooper. We had not time to answer them immediately, but we have taken the earliest opportunity our convenience would allow for that purpose.

We are much obliged by the communication and are fully sensible of the Assiduity, industry and talent you employ in promoting the termination of the present unhappy dispute. As an open and unreserved Communication of Sentiment between us will promote the object we mutually have in view, We have taken the liberty of making such observations as occur to us on the points suggested in your Letter, and of stating without Scruple some slight difference of opinion that appear to exist between us; not doubting but you will make allowance for the different views which you and we may take of the same general Question, especially when it arises on our part, in all probability, from more minute and continual converse with the Subject than your present local situation, and the many and important avocations in which you are engaged will allow you to employ.

With respect to the order of the Board of Property, relative to the Connecticut Submissions, which We are very glad to find, by the last post, a parcel of Submissions, which we apprehend are those alluded to in in the temporary order of the Board. It would, in our opinion, have occasioned much uneasiness, and much unnecessary trouble and expence to the Connt. Claimant, had the Board insisted on their attendance at Lancaster, to abide the Event of a question, which Could have been as well decided without their presence. Indeed we are satisfied they would rather have renounced the Benefit than have incurred the Journey.

The Copies of your Pamphlet Have been duly received and many of them distributed where we thought they would be useful; but as the Letter tho' addressed to us related to the Class of people with whom Colonel Horne has to deal rather than to the Claimants within the Seventeen Townships to whom

it is indifferent whether the Connecticut title be good or bad in its origin, We thought ourselves justified in not pressing upon Mr. Wright the publication until Colonel Horne's arrival here. But after waiting so long for his coming we gave the Pamphlet to Mr. Wright to be inserted in his paper, Who began to set it with readiness and without hesitation; but on Friday morning Colonel Horne arrived and at his request the publication was stopped he not being of opinion it would do Service at this time.

As to Mr. Wright we think you have judged rather hardly of his Disposition in respect of the present dispute, for tho' he objected to the prudence of the publication, so far as it respected the Claimants in the 17 Townships, and conceived that it would not only hurt his own interest among his Suscribers to his paper, but exasperate more than conciliate among the Connecticut Settlers generally. Yet so far from refusing, he readily consented to insert it in Series in his future paper, until Col. Horne's intimation to suppress it.

You wish to know the effect of your Statemt on the minds of the People. We have not yet heard the opinions of many persons respecting it; but those with whom we have conversed on the Subject urge some mistakes (that do not appear to us to be of much Consequence) without answering the many weighty Arguments it contains.

Is is well for you to know the principal points dwelt upon in favor of the Connecticut claim are in Substance:

1st. That the Decree of Trenton did not embrace the private right of Soil, as appears by the deliberate averment made by Cyrus Griffin, Esqr., one of the Commissioners of Trenton, whose declaration of the sentiments of the Commissioners in his Letter to Mr. Bidwell is strongly in favor of the occupant under the Connecticut right at the time of that Decision. I understand there is also a declaration of Mr. Brearly, and a Letter of the Commissioners at Trenton to the Governor of Pennsylvania, 31st December, 1782, to the same purpose, so that the question as to the private right of Soil remained open. They urge the precedents of Massachusetts, Virginia and Pennsylvania, in certain cases of disputes respecting territorial rights, wherein the occupants were confirmed in their possessions under whichever title they claimed.

When it is stated in reply that the right of Jurisdiction is founded on the right to the Soil, where the State is a Claimant, and that the decree of Trenton did in fact decide the right of Soil to be in those who claimed under Penna., when the preemption right was adjudged in favor of this State, And when it is further stated that it was finally and irrevocably aban-

doned on the side of the Connecticut Claimants by suffering the non pros in Dorrance *v.* Vanhorne in the Supreme Court, when that cause was intended to try the private right of Soil they argue.

2nd. That they were always ready and willing to have the case tried upon the merits, but were baffled by the illiberal practice of the Attornies for the Pennsylv^a^ claim. For as the Service of notice upon Vanhorne, who had gone far away into the Western Country, was a mere matter of Form, that did not touch the question itself, that Service ought to have been admitted by consent, and then the merits would have been tried. But even after a Messenger had been sent into Allegheny, for the sole purpose of serving notice on Vanhorne, and when Vanhorne was actually served with notice, the Attornies on the side of Pennsylvania again shunned the question upon its merits, and took advantage of the legal quibble that the return of Service was not signed by the Sheriff. That being thus harrassed from term to term by legal Maneuvre, they grew weary of the trouble and expence and the Cause died away. Hence if the merits were not tried it was not their fault, who were always ready upon that ground, but the fault of their Adversaries who always shunned the main question, and sheltered themselves under objections merely technical. Nor c^d^. the non pros, under these circumstances, be considered as determining any other case than that in Which it was suffered.

That their perfect conviction of the goodness of their cause, and the fairness of their intentions could not be more satisfactorily evinced than by their solicitude to have the question tried. Altho' perfect impartiality C^d^. hardly be expected on a trial in the State of Penns^a^., by a Jury of Pennsylv^a^., on a point wherein the State of Penns^a^ was so deeply interested.

Such are the Articles we understand they yet dwell on, which no man is more competent to answer than yourself. We shall with great pleasure forward some Copies of your Statement to Cap^t^. Williamson, whose Sentiments we believe accord with yours. You wish to be informed what we conceive to be the real dispositions as well as the professions of the people of the 17 townships and those out.

We have been too closely confined to Business since our arrival to be competent to this important enquiry. Such experience as we have is almost confined to the township of Wilkesbarre, but hitherto we have had no reason to suspect but the influential people of that township and its vicinity mean to deceive us. They profess, and we incline to think they will practice, fair and candid dealing. We are fully persuaded that it is the interest of the submitting Claimants to act fairly and candidly,

if they are so treated, and of this they seem sensible. Many of them have been long and almost habitually attached to the Connecticut side of the general question, but a fair and liberal construction of the Act of 1799, in favor of the Claimants within the Seventeen Townships, a construction that will embrace the Spirit rather than be rigidly confined to the Letter, will, in our opinion, best fulfil the design of the Legislature and promote the beneficial operation of the Act; such a Construction, steadily acted upon, will give the people confidence in the Legislature and its agents, and will materially tend to divide the Connecticut party, and attach the most opulent and respectable Settlers by the strong tie of their Interest to the Penns[a] Claim; on the other hand, any appearance of harassing them unnecessarily, or of Wiliness or Duplicity in the Conduct of the Agents of Pennsylv[a] towards them, will as infallibly induce them to reject with disgust the terms of a Law of whose design they have become reasonably suspicious. Such Conduct will render them the secret, if not the open Friends, of those who are the only obstacle to the internal tranquility of Penns[a]., viz, the unprincipled Speculators in half share rights; and the poor, industrious, but obstinate and deluded people, who Confide in these men. We mean so to act as to conciliate the people with whom we have to deal, and divide, if we can, the force of the Common Enemy. Out of the townships we have not information enough to give you an opinion, but Col. Horne will be enabled, we presume, to write fully; therefore, we shall not forestall by retailing at second hand any of the important information which he has to give. We shall confine ourselves, therefore, to such information and such reports as have reached ourselves, in various accidental Conversations, premising that whatever our opinion may be, or however unreservedly we may express them to you, our opportunities of Intelligence have not been so accurate as to justify us in expecting implicit Acquiescence. Your good Sense will fully enable you to judge for yourself.

We have reason to believe, from the opinions & Conversations of some of the best informed, and most decided opp[ts] of the half Share men, that the Form of renunciation transmitted for Signature by the Comm[ee] of Land holders at Philad[a], whereby the Settler is required to sign an unconditional Abandonment of all title to his past Labors, and all his means of future support; to give up his whole dependence, and live and labor upon the mercy of the Penns[a] owner, while the latter has taken care to commit himself to nothing, has occasioned great and universal irritation, even among those who have thought it prudent to sign the paper. We do not presume

to decide upon this instrument ourselves, for it is out of our immediate province, and we remark upon it only in compliance with the request intimated in your Letter. Nor should we presume to differ; but with much caution from the eminent abilities, by which, as we understand, it has been dictated and sanctioned, yet if you request our observations & opinions, we must send you such as we really entertain. If we might venture to suggest a Sentiment in opposition to such authority, it would be that the Comm^es^ of Landholders, in their letter and form of renunciation should have been more explicit; they should have Committed themselves to Something in favor of the Settlers. They have been too prudent; Cautious overmuch. This is felt, and has its operation; perhaps they would do well to send out agents to treat with the people on the Spot upon liberal terms; the former then would be able to judge by actual inspection of the nature of the Lands and the State of the Country, what price might reasonably be expected, and the latter would know upon what terms they might venture labor on their Lands in future. It appears probable to us that the owners of Luzerne lands, resident in Philadelphia, value them far, very far, too high; Considering how execrable a very large proportion of them are, how difficult they are to clear, & how much of their value the first Settlers in such a Country give to them. If the Settlers could put confidence in the Pennsylvania Holders, they would soon abandon Franklin and C^o^.

Respecting your doubts about the readiness of the township Claimants to take the oath of single title, and your remarks on the confirming Law, we have to observe, that we do not find that the Connecticut Claimants hitherto object to the oath of single title, with a reservation of any Benefit the Confirming Law may afford them, should the present act in any respect fall thro' or be left unexecuted. We see no reason for insisting that they should renounce their right under the confirming law, if they should conceive they have any such right. We have added a clause to our oath of single title in conformity to this view of the Subject, and we send it herewith. But we do not apprehend that many claimants out of Wilkesbarre will be very anxious about it.

With respect to Judge Patterson's charge, to which you refer, on the Subject of the confirming law, M^r^. Cooper, speaking for himself, is of opinion that there is some foundation for a claim under that law, wherever there has been an actual Submission to the Commissioners under it; and the persons who can prove their actual conformity to the provisions of that act, may have a question raised in their favor. Whether the neglect

of the then Commissioners to return the Submissions duly made, and in full time, Ought to deprive the persons Submitting of the advantages held out to them, and that it is dubious whether the subsequent repeal of that law will exonerate the legislature from the performance of its contract with those who performed their part. However, as Comm'rs under the Act of 1799 We have no right, as we Conceive, to decide upon the law of March, 1787, or prejudge a legal question of much difficulty and importance, or deprive the Claimants, who submitted under that law, of any chance they may apprehend they now possess. Their Claim under the Act of 1787 is a clear implying, and acquiescence in, and conforming to, the laws of this State, and we, therefore, incline rather to Countenance than discourage it.

You are of opinion that where one Claimant holds both titles he ought not to be permitted to throw away the one and claim under the other.

There may be, as you suspect, many who hold both titles, but we have met with none such yet. Nor do we see why they should not be permitted to relinquish a bad title to obtain under the State a good one. It is the spirit and policy of the act to embrace as many Submissions and releases as possible; the more extensive its influence the more beneficial its operation. If such Holders comply substantially with the provisions of the Act, and satisfy us that their claim is fair and open, and that they mean to rest entirely on the present law, without concealing any of the circumstances attending their title, we shall not be inclined to raise scruples of mere form, or substitute suspicion of unfairness for proof of it, or throw any unnecessary obstacle in their way. We repeat our decided and well considered opinion, that it is the interest of the State to disconnect the submitting Claimt's within the Townships from the great body of Connecticut Holders. This will be rendered impossible, and every endeavour of the Legislature frustrated by insisting on trivial Obstacles, by compelling them to incur needless trouble and expence, and by any conduct that favours of Stratagem or duplicity.

We are persuaded that in the generality of these Sentiments you coincide with us, but we apprehend that from the prudence and caution of your temper, arising from much knowledge and observation of the world, and assiduous attention to this unhappy contest in particular, has probably rendered you more suspicious of the class we have to deal with than they may be found to deserve. At least we hope so. At all events we feel it our indispensible duty to our characters, and the State, to set them an example of patience and candid conduct,

and we sincerely believe that a liberal Construction of the act of 1799 will conciliate, while a nicety, too scrupulous, will revolt them. Nevertheless we feel ourselves much obliged by all your friendly suggestions of Caution, and are sensible that your opinion of the Character of many among the Conn' Claimants is too well founded. Whenever we differ from you in opinion, owing to the different Situations in which we are placed, it is always with due consideration for the Sentiments you have adopted after long and laborious research on this particular subject, very much to the credit of your talents and industry, and your character as an officer.

We regret with you that the Indictment against Jenkins last year failed of the intended effect. We have not yet been in his immediate neighbourhood. If any similar circumstance should occur to us we shall act with much consideration and circumspection: for when efforts on the part of the State are unsuccessful our opponents gain a victory. Indeed in the case of Jenkins it appears that the evidence on the part of the prosecution did not prove before the Grand Jury as much as they swore to before the magistrate (at least so Mr. Cooper has been informed), and that failure, in this instance, is not fairly imputable to either the Court or Grand Jury. Jenkins was once bound over by Judge Rush himself and committed on refusing to procure Bail.

While we are on this Subject Mr. Cooper wishes to suggest, that if rumour may be relied on, it is far from certain that the intrusion law will be considered by the Court of Common pleas here as Constitutional, even though Judge Rush should preside. Upon the ground of the constitutionality of that law, the Intruders are ready to come forward and plead to Indictments, and they mean to carry this question thro' all its stages. Mr. C. thinks he recollects that in some parts of the U. States laws, provision is made for an appeal to the federal Courts, wherever a State law is contrary to the federal constitution. If so, this point will be carried up to the U. States Courts, for the purposes of delay, if no other. Whether the law be constitutional, which, in Mr. Cooper's opinion, may admit of Argument, Yet the policy of preventing any further accession of force to the intruders, until the right of Pennsylvania is completely acknowledged, or finally decided, is too obvious to admit of doubt. If during "the law's delay" they fill the Country with half Speculators, it may cost much more trouble to drive them off than need be incurred at present; altho' when the dispute shall once be settled, such men will be excellent Citizens and invaluable cultivators of land, which

a Pennsylvanian or European would shudder to sit down upon, and would purchase at no rate.

Mr. Cooper has ventured to advise Colonel Horne to be very particular in procuring (personally wherever he can) full and circumstantial evidence against any offender, as instantly as the case will admit, and without waiting for instructions from the Atty. General to go without delay to the nearest magistrate and procure the intruder to be bound over to the Court of Session, for in some cases the delay occasioned by writing to the Attorney General in the 1st Instance and waiting the arrival of his answer may be productive of bad consequences.

In case the ground is not perfectly clear as to the decision on the Constitutionality of the Intrusion law in the Court at Luzerne (which Mr. Cooper will endeavour to ascertain next month), he wishes it to be enquired whether a Delinquent could not be proceeded against ex-officio, in the Supreme Court, or whether the Atty. General could not direct the Indictment to be removed into the Supreme Court immediately on its being found at the Sessions. If any Magistrate should be found offending, perhaps the better way would be by information instead of Indictment. Probably Col. Horne will report facts some time or other, which will require these suggestions to have been previously considered and settled. We observe that you recommend to the Commissioners to open a small Book for applications of Settlers out of the Townships, and for pitchis; Altho' out of the line of our duty, we shall have no objection to make such entries, if any person applies.

You are of opinion that no Surveys out of the Townships ought to be noticed by us, that were made since the Year 1782. We presume you mean actual Surveys. These Surveys may be of 2 kinds, viz, either such as were made in Conformity to original minutes of direction, recorded in the township books prior to that time, or resurveys according to and pursuing the course of old Surveys, where the marks and lines of these, or the maps or plans thereof, have been lost or defaced; or 2ndly, Surveys of townships, under the Connecticut Claim, where none had ever been made, or any directions given for making one prior to the Year 1782.

For Instance, the town of Wilkesbarre was originally Surveyed in 1770, by Jos. Jac. Wallis and Samuel Wallis; a part, a very small part, of the draught of this Survey we have obtained. Mr. Cooper has personally applied to Daniel Smith, Esqr., of Sunbury, the Executor and Son-in-Law of J. J. Wallis, to procure any Copy or field notes of the original Survey, but without effect. The only Document we have, therefore, to ascertain the boundaries and Lots of Wilkesbarre is an origi-

nal Survey of Mr. Montgomery, who was the sworn surveyor under the Commissioner, 1787, and which was made under their direction. We cannot presume you mean that Wilkesbarre ought not to be considered a township because we have no better evidence of the lines than Montgomery's Survey.

Again; Very early, at the very first entrance almost the original Settlers into Hanover township, motion was made at a town meeting to have township lines, lots, highways, &c., run out. One White was the Surveyor; the courses and distances were entered in minutes, But we can find no trace of White's Survey. Under the direction of the Comm'rs 1787, a Mr. Hurlburt made Survey, now in our possession. Shall we strike out Hanover from the List of townships or adopt the best evidence of the lines We can now find?

With respect to Surveys of townships, Wherever no Survey had ever been made at all previous to 1782, We cannot precisely determine what Conduct we shall pursue, for hitherto such a case has not come before us. But since the legislature has taken for granted the existence of the 17 townships, as tracts of Land notoriously known by that designation, and has assigned them to us as objects of our enquiry, and as we are fully persuaded that the true policy of the law in question, as well as its particular intent and meaning, requires that the benefit operation of it should rather be extended than contracted, we shall certainly hesitate before we reject a township from our Jurisdiction, which has been commonly called and known as one of the "Seventeen Townships," previous to the Act of 1799. It is not for us to be less liberal than the Legislature, or by our own practice to contract or contravene its expressions or its policy, by determining that there are not 17 townships, when the very law which gives us authority declares that there are.

You are also of opinion, that, for the purpose of ascertaining whether the 17 townships are all within the Bounds of the purchase of the Susquehannah Company, We ought to demand inspection of the Indian Deed. We believe that Mr. Franklin has lately (within these 2 months) procured from a Mr. Pepoom, of Albany, the original Deed; but we are persuaded he would not entrust us with it, nor do we know upon what fair plea to insist upon it. The first 70 miles from N. to S. by 10 miles East of the Susquehannah, and 2 degrees of longitude to the West, would probably cover their claim, or at least so nearly as not to make it worth while to raise a question about the Difference. Secondly, the Objects of the law would still be the same; for whether the people claimed under the Susquehannah company or not, they would still be Connecticut Claimants.

It is in this latter view that they become the objects of our Jurisdiction. Thirdly, the Legislature has recognized the 17 townships and we have no right to reject them, whether they are contained in the Indian Deed or not.

You object to the Votes and regulations of the Susquehannah Company, which you have heard of as having been Communicated to the late Comm'rs. 1st, that they are imperfect, Secondly, that they are not original. At our request Mr. Franklin has been sent to for the original minutes in his possession, he has sent them. They contain the Votes and resolutions of the Company (including those which were communicated to the late Comm'rs), from the Commencement of the Company in 1753 to Decr. 26, 1786, attested chiefly by Samuel Gray, their original and long continued Clerk, & ending with the attestation of Joel Barlow, as clerk to the last meeting. We have no doubt of their accuracy, they bear intrinsic evidence of it. The copy we now have we understand to have been already produced and admitted in the federal court: and the attestations of Samuel Gray, Clerk of the Company, proved on oath of Oliver Wolcott, Esqr. Of this Book we have made a Copy verbatim. The people have made no objection. In fact they seem desirous to furnish us with information. And we believe they do so in every instance in their power. We have also copied all the minute of the Committees of the Company at Wilkesbarre, interspersed thro' 1,500 pages of the Westmoreland records. You know of course that all this County was called Westmoreland, and was annexed as a district to the County of Litchfield in Connecticut, until the Jurisdiction was changed by the Decree of Trenton.

With respect to the lands comprized in what are called the 17 townships, and lying within the New purchase, we shall more fully consider the objection you state when it comes before us. At present we think in Conformity to our general principles of construing the act, which leads us rather to extend than narrow its operation, that the expressions of the law have confirmed the Claim of those who have submitted, and taken away your objection.

You wish to know by Draught the Lands within the 17 townships, covered by Pennsylvania rights, later than the decree of Trenton, or by unleased rights of any age. You evidently entertain no adequate idea of the extent of Labor necessary to answer this question in the way you mention. We shall be very glad to have such a Draught made out for ourselves, and in that case we shall with the utmost willingness furnish you with a Duplicate, for we are well aware it will serve important purposes, both to your enquiries and ours. But we

are certain 1 or 2 months assiduous application would not suffice to perform this. At present Mr. Sambourne, who possesses unusual readiness as a Draughtsman, from 5 in the morning until 6 in the Evening, when he is not actually employed in surveying the nicer parts of the work, and he has enough to do to arrange in time what we find necessary to enquire of him. We are surprized at your intimation that the business should be as far as possible concluded this year, for you cannot be fully aware of the detail of difficulties. But without any reason for imputing neglect to the late Comm'rs, but otherwise, We are hardly prepared to say with truth that when we came here the Business was begun. To the merit of Industry We shall certainly lay claim; but we have no hopes of Concluding this Season, nor unless the Legislature assist, the next or succeeding year. The people here allow us one full season for Wilkesbarre alone. But we hope to produce Evidence that they are more wide in their Conjecture than you are.

We cannot procure a copy of the general tax list, without having one made out, expressly with the permission of the Comm'rs of the County, but we understand it is the practice to tax the claimants of uncultivated land where ever they can be found, under both titles. This will surely amount to a legal difficulty against the purchasers at the Commissioners' sales.

With respect to the Lands of Charles Hurst, Gaskell and Lord Shelburne, great part is out of the township entirely, and unless for a part of Hurst's, there is no Survey Whatever of these Lands upon any regular Warrant or order of Survey. Whoever made it had no authority to make it, so far as the Documents demonstrate to us. If there be any information in your power to transmit, which will clear up the difficulty, we shall be glad to receive it.

Be good enough also to send without delay the release of Turnbull and Co. for Charles Baker, Whitehead Jones, Sam. Clampher, Benj. Davis, James Wharton and 10 others. We were surprized at finding these Surveys among the collections furnished by Mr. Cochran, without knowing to what releases to refer (except the Representatives of Robert L. Hooper, by whom many of them are claimed and released), had we not found a letter of the Surveyor General, transmitted after the late Comm'rs had quitted Luzerne, stating these to have been released by Turnbull and others.

We shall Gladly attend to the Lands released by Mr. Chas. Stewart and his Heirs, but we want for that purpose office copies of the following returns of Survey, for We have no evidence of a tract having been surveyed and returned, but the

official documents that certify its having been so. Chauncy-ance Vancleve, John Hall, Thomas Craig, John Lawrence, Sam[l]. Pleasants, Sam[l]. Clark, William Norton, George Ryerson, Martin Ryerson.

M[r]. Sambourne requests the Draught of Nescopeck creek, which you shewed him, & also the draught of M[r]. Meredith's land on the Lacawanna, which M[r]. Mott was to copy; perhaps these are the draughts your Letter alludes to as having been sent to Easton; if not, be good enough to forward them. The draughts you wanted, and mentioned to him, he will make out the first opportunity; hitherto he has not had time, and the principal Surveyor under him has lately been disabled by the kick of a horse. M[r]. Sambourne will, therefore, be obliged to take the field daily himself. We hope ere long to have 4 Compasses at work.

We shall enquire whether Jacobs was a Settler before the Decree of Trenton. We are decided to admit no claim which is not deduced anterior to that date from an actual Settler. We shall attend also to the forfeitures. We are are most sadly at a loss and chagrined in consequence of the inability of M[r]. Coates, the agent to the proprietors, to procure anything like a certain account of the lands claimed by contract with the proprietary agent, and sold by the proprietors within the manors. Unless these reservations can be ascertained, we see not to what purpose we need go into any of the townships that comprize either of the manors. We have sent to search the records of Northumberland, and by this post we shall send for M[r]. Coates himself. The difficulty is all important, but we keep it out of sight until we can ascertain definitely what can be done. Can you assist us with any information on this Subject?

We do not observe any other object of remark in your Letter to which our attention is particularly called. We trust that the same Communication that has hitherto taken place between us will be continued, and that you will unreservedly afford us the benefit of your talents and information, even tho' our opinions should not always coincide.

Accept, Sir, our Assurances of sincere respect,

THOMAS COOPER,
JOHN STEELE.

Mr. Cooper to the Secretary.

Wilkesbarre, July 13, 1801.

Dear Sir:

You gratify me much by the articles of intelligence you occasionally transmit me. I sincerely wish the present occurrences in European politics may lay the foundation of the utter destruction of the Turkish Empire, which is now the greatest Barrier against the Civilization of the finest part of the world. As to Tripoli and Algiers, I would have them swarm with their cruizers, that set the Example under Jefferson's administration of protecting the merchant at the Expence of the nation. It is evidently to me a destructive policy; destructive of national policy, for commerce can at all times furnish innumerable causes for war, according to the modern doctrines respecting it. I would never sacrifice one class to another, but least of all would I protect the merchant, who is of no country, at the expence of every other class. When Muhlenberg (whose death I do not regret) has a successor, let me know. I hope your conjecture will be right as to his disposition on the subject of improvement rights.

I am, Dr. Sir,

Your obedt Servant,

THOMAS COOPER.

The Commissiners to the Secretary.

Wilkesbarre, July 14, 1801.

Dear Sir:

Since writing the Letter in which this is enclosed, Colonel Horne has requested me to communicate a disagreeable piece of intelligence, which, with our acquiescence, he has set off to Bald Eagle to investigate farther. He had employed a person of the name of Smilie to collect signatures to the Submission, who sent him word (refusing to write to him) that he (Smilie) had been taken out of his Bed, about 2 o'clock on Wednesday morning last, at a house about 2 miles from the mouth of Towandee, by 15 men, disguised, Who tarred and feathered him, and robbed him of his papers. Smilie has gone off to the west Branch, and hearing that he had relations at the Bald Eagle creek, Colonel Horne is set off to ascertain, in person, whether this account be true, or how much of it is so. We find, upon enquiry, that Smilie is well known and disliked. Hitherto we deem it prudent to make no noise on the subject, much doubting Smilie's account and his motive for going off.

But it is right that Confidential officers of Government should be apprized even of the report. In other respects Col. Horne has had good success.

This morning Messrs. Catlin, Lord Butler and Welles called on us, and informed us that they had heard the report, and that they or any off them, and Major Ross, and the Sheriff Colt & Mr. Fell were ready to start with Colonel Horne into the Country, and do their utmost to bring to light the offenders: but they hoped no measures would be decidedly taken until means had been used to discover the perpetrators. Indeed it is in our opinion an action too imprudent to be done deliberately by any investigation of the heads of a party, and arises from the silly vengeance of some ignorant people; rather instigated by dislike to Smilie than any motives of revenge or intimidation on the general Subject.

We are, &c.,

THOMAS COOPER,
JOHN STEELE,
WILLIAM WILSON.

The Commissioners to Governor McKean.

Wilkesbarre, July 21, 1802.

To his Excellency Governor McKean:

Sir: At our request Jesse Fell and Putnam Catlin, Esqrs., wrote to Mr. John Franklin to procure the original records of the Susquehanna Company, that we might have something like authentic Evidence of the "Votes and regulations" of that Company, mentioned in the act. About a fortnight ago, they brought us a Book which they said Mr. Franklin had sent to them (on their application at our request), and which Mr. Catlin, who was engaged in the Suit, Dorrance v. Vanhorne, informed us had already been admitted to his knowledge in the United States court in that cause, and that the handwriting of Samuel Gray, the Clerk to the Susquehanna Company, and who appears to attest the votes, &c., thereof, was proved in Court by Oliver Wolcott, Esqr. Indeed, from the perusal and inspection, We have no doubt of the originality and authenticity of the Book in question. We received it under a promise to return it within a Week, or sooner if wanted. Of this Book containing about 170 folio pages, of what appears to us important matter, we have taken a verbal copy, which has been since accurately examined. It Contains the proceedings of the Company from 1753 to 1786.

The resolutions subsequent to the Decree of Trenton appeared to us too important to be left unnoticed. They contain manifest determinations of settling the Country in despite of Pennsylvania,—Of calling in a force for so doing, and paying them with the Lands of Pennsylvania. And, on the part of Franklin, there appears to have been an induction by oath into his office of Clerk to the Company. Whether the Evidence will amount to a sufficient reason for apprehending him without further proof, of his acting in that capacity to a meeting and a company not merely illegal, but hostile, we do not presume to judge; proof of his transmission of the original, we think can be procured if necessary.

Perhaps as he will probably be sent to the Legislature as a representative, the matter may rest till then; but we merely take the liberty of making suggestions. We think, however, that the apprehension of Franklin, Spaulding and an^{r} or two, upon good ground, would go near to terminate the Dispute, if the Pennsylvania Claimants would take some decisive measures to satisfy the Settlers, that the terms of compromise will be fair and liberal. But while the Settlers are required to commit themselves unconditionally, and the Penn^{a} hold'r commits himself to nothing, it is impossible to eradicate a degree of Jealousy and Suspicion, which will keep alive a dispute that we are persuaded might otherwise be extinguished.

Should it be necessary to have recourse to military operations, the Settlers after an ineffectual resistance, might be driven off. If they return, a constant force must be kept up. But should they never come back again, that part of the State which is of more immediate value as a back country than any other, would become a desart, and a desart it would remain; for no Pennsylvanian will ever think of clearing land which none but a new England man can live upon. The half share people are for the most part deceived by the speculating Principals of the Susquehanna Company, but they are a very orderly set of Citizens and most industrious Cultivators.

The part of the Country they chiefly occupy is that whose trade (when cultivated) must belong exclusively to Pennsylvanians, while a large proportion of the rest of the State will be gradually inticed toward Baltimore. Hence, it becomes of great importance, to conciliate rather than to terrify a class of Inhabitants who promise to be, in time, more peculiarly Pennsylvanians than many others who will become ere long but half so. We know that these ideas relate to a part of the general Subject not so immediately within our province. But we cannot avoid forming an opinion or being anxious on a question of such Importance. We beg you therefore, excuse for sugges-

tions, which are submitted with much Deference, to yr. Excellency's better Judgment.

In the prosecution of our immediate business, we find the Claimants within the 17 townships, altho' fearful and jealous of the opinions of the Government respecting them, yet desirous of complying with the law, and ready to furnish every necessary information in their power. We have thought a liberal rather than a strict construction, and a conciliating, rather than a repulsive conduct, would best promote the object of the Legislature; and we think we have adopted it with effect. We have no doubt, if the present most imperfect Act be amended at the next Sessions, but the claimants within the Townships may be attached by the strong tie of Interest to the Pennsylvania title, even tho' opposed by the half Shareholders. We have determined that no part of our conduct shall savour of needless obstruction, duplicity or stratagem. In our communication with Mr. Tench Cox, we have sometimes thought that that Gentleman (who has executed much laudable industry on the subject) has suggested a mode of proceeding more strict and guarded than was consistent with prudence. But we cannot resist the impressions of local residences, and continued attention; and what we have observed, has convinced us that the people here are far from deserving the character of unnecessary caution or suspicion in their dealings with each other, particularly in respect of their Land titles.

There has been a rumour of some violence offered to a Deputy of Colonel Horne, but we know you pay no attention to information short of Evidence, and we ourselves doubt extremely how far that agent is to be depended upon.

We beg your excuse for troubling so much with what may appear extraneous to our duty, But the Contents of the Document, of which we send you an extract, has led us to it, and we hope the great and imminent Importance of the general Subject will induce you to excuse,

Sir,

Your obedient Servants,

THOMAS COOPER,
JOHN STEELE,
WILLIAM WILSON.

Would it be desirable that we should transmit a Copy of the Votes & regulations of the Susquehanna Company for the use of Government?

The Commissioners to the Board of Property.

Wilkesbarre, July, 1801.

Gentlemen:

The importance of the Subject on which we have to address you will, we hope, be deemed a sufficient excuse for our desiring the opinion of the Board of Property on the points we have to state.

The Connecticut Claimants may be divided into four classes:

1. The principal Supporters of and Speculators in the Connecticut title, such as M^r. Franklin and some others, by whom the spirit of actual opposition is perpetually kept up.

2. Settlers without the townships, upon whole or half share rights, whose property and whose labour for many years have been invested in the purchase and improvement of Land, under the Connecticut title, and whose all depends upon their present possessions so obtained.

3^d. Half share holders enticed into Luzerne County, chiefly of late years, and since the decree of Trenton, and who hold their possessions not from purchase in general, but chiefly under a kind of implied contract to defend them against the Pennsylvania claim.

4. Settlers within the Seventeen Townships, holding under a Connecticut title, but of whom the most part have submitted under the act of 1799.

The first class will never be induced to submit, but by force, or being directed by the other classes. The second class, persuaded (however improperly) of the goodness of their title, will certainly endeavour to repel force by force, if they can muster strong enough; for they might as well die as be turned out with their families to starve. But as this class have by patient Industry, to which upon the same lands few of the Pennsylv^a Cultivators would be equal, acquired a comfortable property, they would listen to fair and reasonable terms of compromise and might be detached from the first class. The third class would be more apt than any other to be guided by the first; but if fair terms of Compromise (liber^l prices and easy payments) were offered them they also might be detached; but unless the force sent would put opposition at defiance in the first instance, they would join in open rebellion. The 4^th class may certainly be detached from the others and secured to Pennsylvania by a liberal construction and effectual amendments of the present Law; but the same jealousy and suspicion that the Pennsylv^a Claimants they in return entertain of Pennsylvania. This commenced with the repeal of the confirming law, and has since continued. So far as we can discover, we believe them sincere in their endeavour to aid the execution

of the present Law of 1799, under which we act. But any measures adopted by authority, to harrass them with obstructions and difficulties, to suggest and act upon legal niceties, to put them to needless trouble and expense, or to enforce the law in question, under a strict and harsh, rather than under a fair and generous construction, will in our opinion infallibly tend to confirm their prejudices, and to make them the secret, tho' inveterate, enemies of the State.

It is true our concern is with the people of the seventeen townships alone; but the whole question of the Connecticut title, and the holders under it is so connected thro' all its parts, that an enlarged and liberal view of the whole subject is absolutely necessary to guide the treatment of any part of it. Hence we trouble you with these preliminary observations, the result of much reflection and perfect conviction, on the information we have at various times received. Hence our opinion clearly is if prudence and policy were alone to be consulted, that the Act of 1799 should in every possible instance be construed as generously and as liberally in favour of the submitting Claimants as the expressions will bear. But altho' this be our opinion we submit it merely for your consideration, and with much deference to your better judgment in all cases, which by the law are placed within your Jurisdiction.

We request, therefore, that you will take into consideration the following points:

1st. Many of the Submissions, tho' duly executed and in proper time, were likely to arrive at Lancaster later than the day fixed by this Act; especially owing to the irregular and circuitous mode of Conveyance from here to Lancaster. In consequence whereof, the Secretary of the Land office very properly suggested, in a Letter dated Decr 7, 1800, and inserted in the Wilkesbarre papers of the 23rd, recommended such submissions to be deposited at the prothonotary's office, who wd mark the time of the receipt. Both in that paper, and in the order of the Board transmitted to us about a fortnight ago (of date ——— ———), it is intimated that the question is dubious. If so, we sincerely wish it may be reconsidered and that the Submissions so circumstanced may not be rejected; especially as many of them might have been transmitted in time, had it not been for the letter of Mr. Coxe, which induced the Claimants to think that it would be sufficient to lodge them with the prothonotary.

In Mr. Coxe's Letter to us, accompanying the resolution of the Board, he suggests that the persons who are thus late should be directed to apply to the Board of Property; but we are satisfied not a man among them would take this trouble

or incur the Expence; they would regard it as an Evidence of the intention of the officers of Government to put them to needless inconvenience.

2nd. We have been repeatedly asked by persons exhibiting their title whether our Certificate will be regarded as conclusive Evidence by the Board of Property of their claim to the Patents for the Land so certified, and whe[r] they may depend upon receiving a patent without delay. We have said that in our opinion the Board of Property will deem our certificate sufficient, and that a patent would issue thereon We think much depends upon our being able to answer this question decidedly, for the people will hardly be induced to undergo a re-examination of all their papers and documents. We hope we have not pledged our opinions too far in this respect. We really dread the Effects of a refusal on the minds of the people, And we are strongly impressed with an opinion of the beneficial effects that would result from a few patents obtained this Summer. The question is to irritate or conciliate; the one may lead to civil war, & the other will certainly tend to peace and conciliation.

We beg, therefore, that the Board of Property will authorize us to give a decided answer to this question. We have been urged with the inconvenience and hardship of taking out patents for every acre, and $\frac{1}{4}$ of an acre and with the inefficacy of a Law under which so few Pennsylvanians have released, while so large a majority of the Connecticut Claimants have submitted; but we are aware that, however reasonable their observations may be, these are objects not within our Jurisdiction. But while such hardships remain against them, We are anxious not to encrease the difficulties which we cannot remedy. Our local residence in Luzerne County, and our frequent communications with men of good sense on the subject, have induced to consider the Subject as of the first importance to the peace of the State; and we have, therefore, very freely, as well as fully, suggested the observations that occur to us. But we submit them to the consideration of the Board; with great respect,

We are,

Gentlemen, Your obedient Servants,

THOMAS COOPER,
JOHN STEELE,
WILLIAM WILSON.

The Commissioners to Tench Coxe.

Wilkesbarre, July 31, 1801.

Mr. Coxe:

Sir: Much to our satisfaction Mr. D. H. Conyngham & Mr. Stewart of Flemingtown, have been here and have produced for our examination titles to several tracts which we much wanted. But as in many instances, the office Copy of return of Survey is part of the Evidence of Title itself, and is in all instances necessary to ascertain the precise situation and boundaries, we must beg of you to transmit by General Steele those Documents respecting the following tracts:

Jacob Lemley 306, 133; D. Johnston. 335; Thomas Hayes, 329; John Andern, 306, 133; Ab. Stack, 303; Wm. West, Junior, 339¾; Wm. Sheaf, 178 and ¾, Situate on Jacob's Plains; patend by J. M. Nesbitt.

Ut de supra.—Thomas Hayes, 329; John Patterson, Nanticoke, 298¼; Geo. Miller, Nanticoke, 310½; Corns Stack, 267, Title founded on Warrt. with retn of Survey. 2 Warrt. of acceptcd. Mr. Conym says the overplus alone remns to be pd in. Sit. Jacbs Plains.

William Dawson, 330; Ph. Olar, 400; Adam Clampher, 310; Isaac Stroud, 328; Peter Howard, 307; John Evans, 314; title Warrt. & Survey. Rect. for purchase money. Sit. Jacbs Plains. Deed Polls produced.

Isaac Jones, 301¾; Isaac Gray, 330¾; Mary Steel, 326¾; Peter Miller, 310; James Treadwell, 330¾; Jos. Martin, 331½; Jn. Shaw, 320½; title as above. Situate in Nanticoke.

William Corbett, 330¾; Patrick Savage, 292; Mill Lot near Wilkesb., Jacob's Plains, allotted in 1771 at Easton to Amos Ogden. For these no title has been prod to us, but we are referred to Mr. Stewart. Alexr. Nesbitt, 331½; Jon. Nesbitt, 332; rect for the purchase money produced; Situate, Nanticoke.

John Maxwll, Sr., north of Abraham's Plains; Patrick Hamel, W. side of Lackawanna, adjg. J. Evans, near the upper line of Stoke Manor. Warrts dated Ap. 2, 1773.

Robert Glen and Geo. Clymer, Warrantees, of which W. Gray has certified that a return has been made into the office, but they cannot be found; under these circumstances we think Mr. Sambourne's Survey, under the order of resurvey may fairly relate back to the original Survey, and bring him within this act, tho' not apparently surveyed till after.

The following tracts released by Mr. Charles Stewart's heirs, as a Schedule to the general Clause in the Release:

Manor of Stoke No. 28, 32, 33, 34, 35, 43, 44; ——Sunbury, 32, 16, 17; Abraham's Plains, 7, 10, 16, 11. These we wrote to you about in the general List.

N°. 19 and 70, (Qu. 20) in the manor of Wyoming, In Sunbury. N°. 70 is survey^{d} (or s^{d} to be) to C. Stewart. Quere. if N°. 19 be S. Rodgers in Stoke? If this be the Manor of Stoke, it does not coincide with the List of agreements at Easton, transm^{d} by the Prop^{rs} Agent.

The Mill tract in Wilkesbarre township allotted under the agreements at Easton to A. Ogden; Stephen Phillips joining Abraham's Plains; William Harrison, D°.; Abel Pree (or Prue or Price), Nanticoke. The other Surveys, not sent us by the Surveyor General, and conveyed in the release of M^{r}. C. Stewart, are noticed in our Letter last but one, and in the Mem. transmitted by Gen^{l}. Steele.

We are, &°.,

THOMAS COOPER,
WILLIAM WILSON.

The Commissioners to Putnam Catlin.

Wilkesbarre, August, 1801.

Putnam Catlin, Esq^{r}. :

Dear Sir: The Board of Property mean formally to object to granting Patents, where any addition has been made to the oath of single title. The Commissioners (Gen. Steele, M^{r}. Wilson & myself) have no objection to grant Certificates where the oath of single title has been taken, under the modification expressed in yours. If the Land Office object, the only course you can pursue will be to get your Certificate recorded, and defend the title in case of an Ejectment, as claiming under it. If you have no objection to take this risk, the Commissioners have none. But if you think there would be any hazard in such a Defence, had you not better take the oath in the form prescribed by the Act? which certainly meant no reference to a title claimed under the Confirming Law, and which implies no deception in those who take the oath without noticing that Law. Of this you will judge for yourself, and take that course that suits your own Interests.

I am, Dear Sir,
Your friend and Servant,
THOMAS COOPER.

The Commissioners to Mr. Snyder.

Wilkesbarre, August 26, 1801.

M^{r}. Snyder, Ex^{r}. of Kachlein:

Sir: I was honored with your communication, under date of the 19th Current, and note its contents. I have conferred

with Mr. Sambourne on the subject, and from the inspection of his Drafts and Plans I am assured that the Lands may be Surveyed and returned conformably to the directions from the Land Office, under which impression I think you may with propriety, and to the benefit of the Concerned, forward the Warrants, which your friend has transmitted to you, accompanied with the necessary fees.

I am, Sir, &c.,

THOMAS COOPER.

The Commissioners to the Secretary.

Wilkesbarre, August, 1801.

Dear Sir:

I thank you for the news you were so kind as to send me; it was earlier than I had received at the time.

We have received the resolution of the Board of Property respect[g] the Submissions that came too late, and the explanatory addit[n] to the oath. We regret that our opinions still remain as before, by no means in harmony with the Sentiments of the Board. We shall not enter into the arguments that induce us to think we were right, but we are decidedly satisfied that we were so at the time.

In fact we see plainly that our ideas of prudence, policy and justice, incite us to a liberal construction of the Act, & to the exercise of a discretionary power occasionally, which the peculiar nature of the Case, & local reasons impossible to be known by those not on the Spot, appears to us absolutely to require. While your notions of Prudence and of legal precision, and your preconceived opinions of the people we have to deal with, incite to a construction strictly confined within the words of the act. It is evident our general Ideas differ toto cælo.

However, as we have uniformly pursued a conduct tending to conciliation with the people here, we have said to the few who have taken the oath conditionally that eventually it may be made a question, whe[r] we had any right to alter or diminish from the strict Letter of the Act in this respect, and that, therefore, they must, if they please so to take it, run the hazard that such a question may induce; for tho' it neither will nor can come before the Board of Property, it may come before the Supreme Court, who will ultimately have to judge whe[r] our proceedings, in case an Ejectment be brought for the Lands certified. They have all declared that tho' they think such an explanation of the oath no more than they had a right to request, and me to comply with, they will not be the cause

of any objection whatever to our proceedings any where, and they will cancel the oath taken and take one in the words of the act merely. I have appointed a day in this week for that purpose, and I have advised them to the measure, for their sakes to save trouble and avoid Cavil.

We shall ere long send down a few clear and unobjectionable cases, with Certificates for Patent, that the people may be convinced, before we leave this place, that the present act is not meant like the Confirming Law, to be repealed before it can be effectually acted upon, for the benefit of those who embrace its provisions. I hope there will be no difficulty; if there should, the remedy I shall advise them to take will be to record their Certificates, to operate as constructive notice, to take Depositions of their tender at the Land Office, and give these in Evidence in Ejectment; our proceedings will then come before the proper tribunal. It might have materially tended to the furtherance of our Business, Could the people have been assured that the Certificate of the Comm'rs would have been sufficient Evidence whereon to obtain a Patent for the Lands Certified; for many of them have thought (and still think) that the application under this act would be equally useless as their application under the confirming law; this uncertainty delayed us, I have no doubt, in one way or other, the Business of a Month. I am very anxious that it should not operate hereafter.

I am very sorry that you and I should differ in opinion, for I can truly & without flattery say that I greatly admire your industry and respect your talents, but I do really think your notions on this Subject, and your deep-rooted suspicion of the Connecticut Claimants generally, have a strong tendency to throw the State into Confusion, by exasperating a large class of citizens who may easily be conciliated, and by tormenting them into resistance when they are truly anxious for peace. But I am willing to bear testimony to the fairness of your intentions, and I believe you err, if at all, for want of knowledge, not to be obtained where you are. As to the Scurrility with which you are treated in the Luzerne paper, it is really beneath your Character to notice it. It does no good to the cause of the writer, and no harm to you. I told you before that Wright had undertaken to print your Statement, but that Colonel Horne had anxiously desired it to be let alone. After that, We could not think of pressing it any more, for it applies to the object of his mission only, and not to the people within the 17 towns.

Next to the Demand of preliminary unconditional subm^{n} by the Committee of Landholders at Philadelphia (which you ap-

prove as highly as I disapprove), I know nothing that has done more serious harm than constituting Col. Horne an agent of that Comm^ee as well as of the State. This circumstance would have defeated the Indictment agst. the outragers of Smilie, except on the common count of Assault and battery, even if that Indictment had been found. M^r. C. Hall, however, one of their Attornies for the Philadelphia Committee told me at Wilkesbarre that he thought there was hardly evidence enough of the Identity of the Persons indicted to authorize the grand Jury to find the Bill against them. I do not think there was want of inclination At Lycoming. I forced on, against the Intention of the Atty. Genl., and of the Court, the trial of some of the persons indicted for intruding on Strawbridge's Land, but to my Surprize they proved the Sheriff Cummings to be a Deputy of Col. Horne, and upon challenge set aside the array. This intermixture of Duties, in Col. Horne and his Deputies is of incalculable injury

Judge Rush is of opinion that the Intrusion Law is constitutional, but there are so many objections to the Indictments found here last Court agst. Franklin, &^c., that I doubt if they can legally be convicted. Indeed, they mean to move it by regular steps into the United States Court, as I wrote to you before that I expected they would.

I have sent your Letters to M^r. George Welles. I shall gladly urge on the Consideration of Hartley's claim, as we all of us are inclined to do in any case where you have a personal Interest; but I apprehend you have not seen what the objections are, therefore, I enclose you The objection to the Lands of Gaskill Shelburne, &^c., being surveyed in 1776 on Land in the New purchase is fatal; but at all Events they are out of the townships. I even suspect that the Connecticut claimants will fail in making out a single title in Athens, for which I am sorry and You I presume are otherwise. The other Lands of Hurst, we shall in their course get surveyed & valued and return them to your Board, subject to the objection of Noah Grant, having no regular authority to survey them. Be good enough to peruse the following List of returns wanting, and transmit to us information:

Returns of Survey still Wanting Sept^r. 10, 1801.

Warrantees. R^t. Wood, 224½. Descrip^n, Easterly side of the N. East Branch of Wysaughing or Rust meadows; Released by John Ewing & Wife, and also by the heirs of Patterson. This has been surv^d., but we have no returns.

Tho^s. Smith, 300. Descrip., in the Warrant Includg. both

sides of a path leadg to Wyalusing & a run, ¾ mile above the cross'gs of Tuscarora; Reld by Thoms Hartley.

W. Smith, 230¾. Released by S. Howell and Wife.

N°. 6, 8, 14, 17, on Abraham's Plains. Released by Dr. Smith, But we have no return of Survey in favor of any Body. Nor do we know the Chain of title under which Dr. Smith Claims.

William M'Carroll, Elizabeth Punner, Samuel Boucher, John Vansant; released by Matthias Barton, Exr. of Cox, and also by the heirs of Patterson. Quere. are there any returns of Survey? If not, of course we cannot find the Lands.

Conrad Clock and eleven others. Warrants taken out by Aaron Levy. The Surv. Genl has noticed these, but if there be no Service we can take no cognizance of the Lands, which we have no means of finding.

Patented Tract "Dublin;" released by Bingham. We did not want Bingham's release, But the first patent not reciting the Survey we have no description by which we can find out the Lands.

Thomas Craig, John Lawrence, 341 as., Samuel Pleasants, Samuel Clarke. These are released by C. Stewart, But we have no Survey.

N°. 15, 16, 17. On Abraham's Plains; But tho' we have Lukens' Survey, it does not say for whom they were returned, nor do we know how Charles Stewart's title is deduced.

N°. 32. On Abraham's Plains; Also released (or intended to be included in Charles Stewart's General release), but there is no return of Survey for this N°. in Lukens' Survey.

N°. 19, 70. Also released by Stewart. We suspect N°. 70 should be no. 20. But the Description is the Manor of Wyoming. We have no Survey under Authority.

Stephen Phipps, Wm. Harrison; adjg Abrahms Plains; these also are released by Stewart, or given in under his gen. release; but we have no Survey.

Abel Pierce, Price or Rees, the same sitn., as to title described, as being in Nanticoke.

Jacob Lemlie, David Johnson, Thos. Hayes, Jn. Anderson, Ab. Stack, William Sheaf, Jn. Patterson, Geo. Millar, Corns. Stack, W. Dawson, Ph. Olar, Isaac Stroud, Peter Howard, John Evans, Wm. Corbet, Isaac Jones, Isaac Gray, Mary Steel, John Shaw, Peter Miller, Jas. Treadwell, Jas. Martin, Pat. Savage, Alxr. Nesbitt, Jn. Nesbitt, J. Maxwell; Do. north of Abraham's Plains, Patrick Hammel, Robert Glen, R. Clymer. These are given in by Mr. Conyngham, as being part of the General release. We have been able to find many of these laid down upon the Draughts in our Possession, but we have no Survey nor authority & of course none on which we can depend. We

have already sent for these, and are in immediate want of them. Your attention to these will much Oblige,

Dear Sir,

Your obedient Servant,

THOMAS COOPER.

Gen^{l}. Steele and M^{r}. Wilson are out on Surveys.

The Commissioners to Judge Fell.

Wilkesbarre, May 26, 1802.

M^{r}. Fell is requested To call on M^{r}. Jenkins (taking with him either Sheriff Dorrance or M^{r}. L. Myers, if he thinks fit), and to request of him in the name of the Comm'rs the loan of the Surveys of Exeter, Providence and Northmoreland, or such of them as M^{r}. Jenkins may happen to have; Also any other Document relating to those, or any other Townships, which M^{r}. Jenkins may have in his possession. Whatever M^{r}. Jenkins requires to be returned shall be returned. M^{r}. Fell will then proceed to Exeter, Providence and Northmoreland and apply to the town Clerks of those Townships for every Draught, paper and information that they can furnish him with, relating to those Townships. If there are no town Clerks, or the town Clerks cannot be found, to urge the necessity of calling town meetings as soon as possible, to furnish the Commissioners with the means of proceeding in the investigation of title. And, generally, to procure all possible information, & to instigate the Inhabitants to apply without delay.

THOMAS COOPER.

The Commissioners to D. H. Conyngham.

Wilkesbarre, May 27, 1802.

M^{r}. D. H. Conyngham:

Sir: We have considered your request to have certificates issued for the Land releas^{d} to the State by yourself and Gentlm^{n} connect^{d} with you, but we cannot properly in our opinion accede to your wish.

1st. Because there are some Difficulties respecting title, affect^{g} most of the released Lands. Which on a communication between us and the members of the Board of Property, they have taken time to consider; the illness of one of the members has hitherto prevented the meeting of a full Board on the Sub-

ject; until our opinions are made up on the question under consideration, in Conjunction with the Gentlemen at Lancaster, we cannot think of issuing any certificates for Lands liable to questions, not yet decided upon.

2d. If we issue certificates for the Lands released by you, We shall be soon overwhelmed by similar applications, to the total interruption of all the rest of our business. If we begin this, the Surveys must stop, for both together cannot proceed. If we refuse to others what we give up to you, we shall be justly accused of improper partiality.

3d. We propose finishing the whole Business of the Commission. in respect of Surveys, this Summer. We are in some decree pledged to this, if it be possible. If we commence the issuing of Certificates, it will be impossible, and the State will be put to a very great and unnecessary Expence as well as delay. The Certificates are properly a business by themselves, that ought to be conducted at once without interruption, and that may most properly and Conveniently be done when all the Surveys are finished. Nor can we in y^r^ case compleat your Certificates if we were so inclined, for many of the tracts are not yet finished as to the valuation and Survey.

We should be very glad to accommodate you to the utmost of our power, but we cannot do so at what we deem a sacrifice of the object of our Commission & the Interest of the State. We are decided to commence and finish the issuing of Certificates for released Lands after the Surveys are closed, and not sooner.

We are, &c.,

THOMAS COOPER,
JOHN STEELE,
WILLIAM WILSON.

The Commissioners to William Dean.

Wilkesbarre, May 28, 1802.

Mr. William Dean:

Dear Sir: I observe an application to the Land Office to release a tract of Land in the Manor of Stoke, called "Hayes Choice;" there must be a regular release to the Commonwealth, in Consideration of the Compensation mentioned in the Act of April 4, 1799, "offering Compensation, &c.," the rest of the Deed may run in the usual way; the sooner you transmit it to the Land office the better. Colonel Horne is here yet. We are all well.

I am, Sir,
Your Friend & Servant,
THOMAS COOPER.

The Commissioners to D. H. Conyngham.

Wilkesbarre, May 28, 1802.

Mr. D. H. Conyngham:

Sir: We feel sensibly for your situation and would willingly remove the embarrassment you labour under, as far as we have the power. But altho' many of our valuations are made, the calculations have been so laborious that we do not think it right to confide in them in the 1st place without a revision. This we cannot undertake now.

That you have released much valuable Land, for which you must ultimately be repaid, there can be no doubt. Your Creditors must be aware of this and must know too that it is a species of property which is not liable to depreciate in value. We cannot Yet send out any Official valuation, with the accuracy and certainty necessary to do justice to the Claimants, to the State, or to ourselves: otherwise we would do so in your case. We are sincerely sorry to have to return an answer that will tend to yr. disappointment, but we cannot avoid it.

We are, Sir,

THOMAS COOPER,
WILLIAM WILSON.

———

The Commissioners to Mr. Demuth.

Wilkesbarre, May 28, 1802.

Mr. Demuth, of Lancaster:

Sir: I observe an application from you to the Land Office, dated Sepr. 27, 1800, to release some Land belonging to the representatives of Mr. Lambkey, deceased. This Application cannot be acted upon, unless there is a regular release to the Commonwealth, transmitted to the Land Office before the 1st day of August, with all the papers and documents necessary to substantiate the title; you will probably procure a form of release by applying at the Secretary's Office, Mr. Ellicot's.

I am, Sir,

Your humble Servant,
THOMAS COOPER.

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The Commissioners to Daniel Montgomery.

Wilkesbarre, May 28, 1802.

Daniel Montgomery, Esqr., "Danville:"

Dear Sir: It is necessary that to your release of Lands to the

State there should be annexed an oath of single title, which I transmit to be taken and subscribed before any Magistrate. You can copy it and send it to the Secretary of the Land Office. Oath of single title subjoined.

The Commissioners to the Secretary.

Wilkesbarre, May 28, 1802.

Andrew Ellicot, Sec^{y} Land Office, Lancaster:

Dear Sir: I have not been able to find the Submission of Abraham Bradley, Jun^{r}., N^{o}. 117. The first parcel sent to the Commissioners appears to close with 116, and the second to begin with 118. Probably it may have been lost before our time. Be good enough to send it.

I send you two Submissions, transmitted to me under the Notion that we had power to receive them. I have received also two releases, one from Enoch Smith, of Sunbury, of Land formerly owned by Samuel Wallis, deceased, and another from M^{r}. Samuel M^{c}Clay, but I returned them, requesting they might be forwarded to you.

I herewith send you a List of Surveys which we shall want from the Surveyor General's Office, in consequence of late releases. I should be glad of those released by Enoch Smith as early as possible, even tho' his release should not have reached you, for Salem, where his Lands are situate, will be the next township we shall take. His release is executed, and I should have transmitted it to you myself, only that he had forgotten the Oath of single title. I send you a form of our Certificate, which I fancy comprizes all the particulars necessary to facilitate the examination of it on y^{r} part. If you approve it let me know.

I observe an application, without a release, of Alex^{r}. Scott. Is it the M^{r}. Scott of your town, or my former neighbour upon Shamokin Island?

I remain, Dear Sir,
Your Friend and Servant,
THOMAS COOPER.

Draughts of Survey Wanted.

Number of the Application 141, James Shaw, 305½ Acres.
1,335, W. Harrison, 318 Acres.
3,309, Ch^{n}. Mike, 300 Acres, Gen^{l}. W. Helmes also ment^{d} in the notice.

Number of the Application 702, J[n]. Hammond, 309 Acres, of Phoebe Stewart.
721, Arch. Stewart, 317 Acres below the Mouth of Tunckhannock.
721, Arch. Stewart, 352 Acres, Quere if this number is a mistake?
1,986, Arch. Stewart, 277, Genl. W. Helmes.

Lots on Abraham's Plains.

N°. 1, 4, 9, 20, 652, Gen[l]. W. Helmes, noticed also by P. Stewart. 956, John Bowee, 300, Contained in the notice of Application of Phoebe Stewart; adjoined W. Nicholson, but not claimed in General Helmes release.

The tracts in M[r]. Maclay's release we have Draughts of Already. William Fisher, Adam Beaver, 645, 132. Perhaps M[r]. Fisher is the same with one of the same name released by W. Wilson. William Webb, 314, 52 p. The 3 last released by Enoch and Gaynor Smith and wanted soon.

The Commissioners to Enoch Smith.

Wilkesbarre, May 28, 1802.

M[r]. Enoch Smith, Sunbury:

D[r]. Sir: I return you the Deeds, because it is necessary you should subscribe an oath of single title, which I have drawn out for you, as you will see by looking inside your Deed. Regularly you ought to transmit the whole of the Documents that constitute the chain of title between you and the proprietaries, viz, Warrant, return of Survey, Order of Sale at Orphan's Court and the Administrator's Deed to you. A naked Conveyance, without the papers on which your title is founded, is not sufficient. Do all this & send it off to the Land Office as quick as possible, because we shall go into Salem and Huntingdon in July.

THOMAS COOPER.

There is a W[m]. Fisher, J[r]., rel[d] by W. Whitman, on the waters of Wapwanapane; the tract is in Newport, 316 as., 132 prs. Date of Warrant 21 Jan., 1773; Date survey, 21 Nov., 1773.

The Commissioners to Samuel Maclay.

Wilkesbarre, May 29th, 1802.

Samuel M^c^Clay, Esq^r.^, Buffalo, North^d^ County:

Dear Sir; The sooner you get the enclosed Deed executed and acknowledged, before a Magistrate, the better. It should be transmitted early. I think the post as safe a conveyance as any; regularly you ought also to transmit the Deed Polls, from Brown, M^c^Gill and Summers, or copies of them. Also the Conveyance from Shippen. The State has a right to all the Deeds of Conveyance between the proprietaries and you that are or ought to have been in your possession.

We shall finish all the Claims and Surveys this Season, but the Certificates will hardly be made out till next.

I am, as usual,

Your sincere Friend,

THOMAS COOPER.

———

The Commissioners to Alexander Scott.

Wilkesbarre, May 29th, 1802.

M^r^. Alexander Scott:

Sir: I find among the papers transmitted to me from the Land office, an application in the name of Alex^r^. Scott to release certain Lands in Luzerne County. Was this Application on the part of any of your family? If so, the release should be made out and regularly executed and sent to the Land office.

I am, Sir, &^c^.,

THOMAS COOPER.

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The Commissioners to Jamison and Beach.

Wilkesbarre, June 8, 1802.

Mess^rs^. Jamison and Beach:

Gentlemen: In answer to your application, respecting the rights in the township of Salem, we have to observe, that by the act of 4 April, 1799, and the Supplement thereto of the last Session, no Connecticut claimants are contemplated as strictly entitled to the benefits of those Acts, unless they derive title in Consequence of a Settlement actually made previous to the Decree of Trenton; but where persons coming from Connecticut, and elsewhere, were called to assemble together and quit their particular rights for the purpose of defending the Country

against the common Enemy, such persons ought to be considered as coming within the reason and equity of the Law, provided they resorted to and improved their respective rights within a reasonable time after the Conclusion of hostilities in the Country. But if a Person claiming a right, and being called away for common defence depart to a distant Country, when his military Service is over, and leaves his Land abandoned and neglected for several years, this would seem to us to amount to a forfeiture of the claim, and deprive the person so neglecting of any right to be considered as within the Equity of the Acts of Pennsylvania.

THOMAS COOPER,
JN° STEELE,
WM WILSON.

Answer of the Comm'rs under the Act of April 4, 1799, *respecting the Connecticut Claimants within the seventeen townships of Luzerne county, to the questions of Mr. Searles, a Committee from the town of Providence.*

Wilkesbarre, June 9th, 1802.

1. The Commissioners cannot accept of the Surveys of Lots made by the Inhabitants themselves, because by the 5th Section of the act aforesaid, it is made the duty of the Commissioners to ascertain and value the Connecticut Lots. This must be done, therefore, by themselves, or by persons employed by and responsible to the Commissioners.

2. The Commissioners never interfered in altering any old line or boundary, unless they were compelled to make a decision respecting a contested boundary between two disputing claimants. Whatever the Inhabitants are agreed about their Lines, the Commissioners are always willing to cause them to be run accordingly.

3d. The Commissioners Conceive themselves bound by the 5th Section of the Law in question, to confine their views to those rights and lots which were settled prior to the Decree of Trenton, unless in those cases when the Inhabitants, being obliged to collect together to defend the Country, they were prevented from settling their rights in distant townships. In all those cases, if the rights were settled and improved within some reasonable time after the danger was over, the Commissioners think it equitable to admit such Claimants.

But they do not conceive themselves justified in extending

the Equity of the Law to persons who abandon and neglect their rights for many years together, and who begin to improve long after the decision of Trenton was notorious. The persons who took possession of their Land before the Decree of Trenton, and expended their time and labour, and all their Sustenance, in cultivating and improving it, did so under the impression that the Event of trial would be favorable to the Claim of Connecticut. Such improvers of the Country, who having embarked their all, would be ruined by being driven off, and who moreover defended the Country at the risk of their lives, are entitled to all the Benefits of the Law, and to be quieted in their possession on the terms offered. But the State has no inducement to pass a law in favour of Connecticut Speculators, who never embarked any property in the improvement or defence of the Country, and whose loss by the Decision of Trenton amount only to a few Dollars at the utmost.

4. Hence the rights and Lots, contemplated by the Law, are those only which were acquired by actual Settlers thereon, prior to the Decree of Trenton, and whose right of settling thereon was acquired under the rules and regulations of the Susquehanna Company. The case of the Settlers called off to defend the Country and returning within a reasonable time, forms an equitable exception, already noticed.

5. The Claimant will be expected to prove their title downward, from the 1st Settler in the original Draught; where Deeds are not produced, it will be required that a record should be shown. Where Deeds & papers are lost, oath must be taken of their loss or destruction, and the best remaining evidence be brought forward. Where Assignments depend upon heirship, proof of the heirs of the deceased will be demanded. Where a claim is under a Will, the probate of the Wife must be shewn. Where the Claim is under an order of Orphans' Court in cases of Intestates, the record of that order, authenticated by the Register, must be produced. In all cases the best evidence that can be produced, must be brought forward.

6. Certificates will be given without Delay to all persons making out good titles, so soon as their Lots are surveyed, and a return of such Survey can be made out and authenticated. Certificates will entitle the Holders to patents, on complying with the Conditions of payment prescribed by the act.

THOMAS COOPER.

The Commissioners to the Secretary.

Wilkesbarre, June 21, 1802.

Dear Sir:

I send you the Applications of Daniel Gore, Dan. Hoyt and Samuel Allen, having the means of transmitting them by Mr. Snowden as far as Harrisburgh. I have made a memorandum on the back of Danl. Gore's. I take no note of Applications sent here, or which I transmit to you, because I have nothing to do with them, officially, until you transmit me copies, which of course you will do at your earliest Opportunity. Did you transmit to the Survey. Genl. the list of Surveys wanted?

I am, &c.,

THOMAS COOPER.

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The Commissioners to Mr. Van Cortwright.

Wilkesbarre, June 21, 1802.

Mr. Van Cortwright:

Sir: I do not find that Numbers 36, 37 and 38, which I presume you mean, as in the Manor of Stoke, are released. But Philip Johnston did not acquire these by any original agreement with the proprietors, if at all. 36, 37 & 38 are in the names of David, Samuel & James Johnston. Philip Johnston made his original agreement for No. 18. It will be a matter of doubt whether any of these agreements are good, if the purchase money be not paid, and the other conditions punctually fulfilled; but this will be a question before the Board of Property, between particular Claimants of tracts in the Manor, and the Agent of the late proprietors.

I am, Sir,

Your humble Servant,

THOMAS COOPER.

———

The Commissioners to S. Jackson.

Wilkesbarre, July 8, 1802.

Mr. S. Jackson:

Sir: I shall be at Mr. Caleb Wright's, of Huntingdon, to take the Claims of Salem and Huntingdon on the 20th July, 1802. If there is any intentn of contests the actual Settlmt of the Township of Salem, I shall hear any Evidence that goes to refute that part of the Connecticut title. At present I think myself precluded from going into any fact relating to a Penn-

sylvania title, or making a part of it. But I shall be open to anything that can be urged, pro or con, strictly relating to the Conn[t] title. Judge Fell has blank Citations with him.

THOMAS COOPER.

The Commission to Obadiah Scott.

Wilkesbarre, July 8, 1802.

M[r]. Obadiah Scott:

Sir: I have to inform you that I shall attend on Tuesday, the 20th of July, at the house of Caleb Wright's in Huntingdon, to receive the Connecticut Claims of the Inhabitants of Salem and Huntingdon, under the Act of April 4, 1799, and the last Supplement thereto; probably it would be convenient to the Committee of Huntingdon to attend toward the middle of the week, as it is expected the hearing of the general claim to the Township of Salem may occupy a day or two. I suggest this merely to save time in a busy part of the Year. As to myself I shall attend until a reasonable time is expired for taking all the Claims.

I am, Sir, your Friend and Servant,

THOMAS COOPER

The Commissioners to Jamison and Beach.

Wilkesbarre, July 8, 1802.

Mess[rs]. Nathan Beach and Alexander Jamison:

Gentlemen: As you are appointed a Committee, on behalf of the town of Salem, I have to inform you that I shall attend on Tuesday, July 20, 1802, at the house of M[r]. Caleb Wright, of Huntingdon township, to receive the claims of the Inhabitants of Salem & Huntingdon, under the Act of 4 April, 1799, and the further Supplement thereto.

I think it right to inform you that I shall call upon the Connecticut Claimants to make proof of Settlement prior to the Decree of Trenton, subject to the limitations I have already expressed in the Letter given to M[r]. Beach. If the truth or sufficiency of that proof is contested, I shall think myself bound to hear any Evidence to the contrary, and any reply thereto which the Inhabitants may think fit to make. I deem it my duty to hear everything which will bring out the truth.

I am, &[c].,

THOMAS COOPER.

The Commissioners to the Secretary.

Wilkesbarre, July 8, 1802.

Andrew Ellicot, S. Land office of Pennsylvania:

Dear Sir: I should have written in reply last week, but I expected some more copies of applications by this post, in which I am very sorry I am mistaken.

Your objection to the Submissions of Tuttle and Vandemark might perhaps have been heard in a Court of law, if made by an attorney on behalf of a client of opposite interest, & whose duty, therefore, it would be to seize every legal objection to save his Client's property; but I am well persuaded a Court would smile at two advocates, whose interests were mutual, if they were to misspend their time in taking objections to mere form gainst the proceedings of each other. All the Effect this solemn deliberation of the Board of Property has had is to make two old Settlers, turn'd of fifty and sincerely desirous of conforming to the Law, ride 20 miles, with' understanding why or wherefore. All this may be a very pleasant exercise of legal acuteness at Lancaster, but it is a very serious evil to me. The Gentlemen of your Board have no prejudices to encounter, no murmurs to oppose, no complaints to answer, no opposition to conciliate, no well-founded doubts among the people to reply to and remove. All this most irksome and vexatious part of the Business I have daily & hourly to encounter, and most heartily weary I am of it. If therefore you increase all the difficulty of settlement, awaken the prejudices and suspicions of the people, allowing nothing for long habits & ignorance of business, by starting objections that in no wise go to the Substance, but to the mere form of proceed^{s}, you give me very serious, but very needless opposition, in a Duty which requires me to ask for and be thankful for all the information & assistance you can afford me. I know that your construction of the act is not true. I drew up the Supplement; it was intended to introduce a liberal construction of the law on this Subject. Had such cases as Vandemark's and Tuttle's been foreseen they w^{d} have been inserted; Altho' I blushed at the necessity of writing the Section to bring in the Submissions that arrived out of the time. The Governor thought it perfectly unnecessary and I had hoped that no occasion would have arisen for any similar provision, so disgraceful to those who created the necessity.

But if the objection to these Submissions be valid then are all the Submissions from 762 to 771 invalid also; for they are all stated to be made under the law of 1799, which in respect of limitation of time is expired. Whereas they are in fact all

made under the Supplement of 1802, now in force. They are stated, therefore, as made under a law not in force, instead of being under the only act that authorizes them: thus might we go on to the End of the year, quibbling upon mere points of form, while the people would turn away disgusted, and the business do worse than stand still. But I shall make no such objection, & I am sincerely glad it cannot come from your Office, for the mistake originated there and not with the persons submitt^d. I know how easy it is to commit mistakes, and how easily a man who has had experience of them in himself can now and then excuse them in others, but I ask for no quarter for mine; all I beg is, be indulgent to the mistakes of ignorance, and do not frighten the people by raising trivial objections to their well meant acts, which they cannot see the reason of; nor I neither.

I have received no answer to my quere about Submission 225, respecting Henry Fuetz and Daniel Gore. I have not received a Copy of N^o. 117, Which I never have seen, and which I really believe was omitted to be sent. But whether this be so or not, do not in future stop my Business by refusing me papers, and making me write long letters in reply. If you have sent them, I will most willingly pay your Clerks, on being satisfied that it is so. I had rather pay for all the papers over again, out of my own pocket, than be hindered in a business which I have set my heart upon finishing, if possible, this Season so far as I am concerned in it: and I say without Scruple, that I expect the assistance of your office, even to the trouble of a Duplicate or two, if by accident or mistake they should be rendered necessary.

I shall reply to the observations from the Surv. Gen^l., Contained in your last, in a separate Letter to him. I remain, with sincere respect,

D^r Sir,
Your Friend and Servant,
THOMAS COOPER.

With the Subm^n of Grant, I send you a Certificate; he tenders it to me as valid. If not valid, in the opinion of your Board, he relies on his Submission.

The Commissioners to the Surveyor General.

Wilkesbarre, July 10, 1802.

Samuel Cochran, Esq^r., Surveyor General:

Sir: In my last to the Secretary of the Land Office I re-

quested among others, copies of the following returns of Survey:

Application N°. 141, 305½ a°., John Shaw, I believe Long Bottom.
" 702, 309½ " John Hammond.
" 721, 317 " Arch^d. Stewart, below the Mouth of Tunkhannock.
" 721, 352 " no name.
" 1,986, 277 " D°. D°.

The above are contested in the release of W^m. Helmes.

956, 300, John Bourne, contained in an application of Phoebe Stewart, but not released.

William Fisher, Adam Beaver, by William Helmes, 642, 132 perches. W^m. Webb, 314, 52 perches, released by Enoch Smith.

When I wrote last, the Absence of M^r. Sambourne, owing to the dangerous illness of his wife, made me include two (2,335 & 3,309) which we have; he desires me, on accurate Search, to say that we have not received any of the above.

But whether we have or not, I earnestly beg and request, that I may be made debtor for every Duplicate, rather than have my Business delayed for want of papers that I ask for. Give me in this respect the same privilege that any one else has. So in the case of Enoch Smith; whether his release was sent forward or not; if I wanted the Surveys, why not send them to me? In fact I have put off my Journey to Salem thro' press of Business here till next week, otherwise I sh^d have found myself on Monday next in the midst of a very difficult question, where they would be necessary to me. If I ask for duplicates make me pay for them. If I ask for any other Survey, let me judge of the necessity of it. I beg this may be understood in future, or I shall be put to serious inconvenience.

I am, with much respect,
Sir, Your obed^t Servant,
THOMAS COOPER.

The Commissioners to the Secretary.

Wilkesbarre, July 10, 1802.

Andrew Ellicot, Sy. Land Office:

Sir: The Enclosed Applications have been left in my office; I have taken no note of their Contents, nor of any precedents shewn to me, because I do not want to know anything unless officially, except where I cannot help it.

THOMAS COOPER.

Mr. Cooper to the Secretary.

Huntingdon, July 26, 1802.

Dear Sir:

I have rec^{d} several papers, Submissions, &^{c}., from y^{r} office which I have not time to examine at present, or to say more about than to acknowledge generally. Altho' I do not make the objection to them in point of Law, to which the Copies transmitted from your office are liable, I do not see why they might not have been made Conformable to the originals, after the objection was noticed.

I observe that you mention having sent Bradley's Submission for the 3^{d} time. I am now at Wilkesbarre, with the opportunity of Consulting my letters, or the transmitted papers, but I am fully persuaded, that it is not so; For I have learnt by experience, to be at least as distrustful of the accuracy of your Clerks, as of my own. I hope the Copies transmitted clear up the mistake of number, which I wrote about in Fuetz's and Gore's Submission. The Application of Samuel Franklin he sends by this post, he says is useless, for it was transmitted to your office by Nathan Beach, along with several which were left there, & whereof copies are transmitted. What order do you take on the Certificate of Hamilton Grant?

I am, Dear Sir,

Your Friend and Servant,

THOMAS COOPER.

Mr. Cooper to Mr. Evan Owen.

Huntingdon, July 26, 1802.

Mr. Evan Owen:

Sir: I have perused your Letter, and have nothing to say in reply, except that my authority is confined to the Connecticut title, and that the Pennsylvania Claim is under the Jurisdiction in the first instance of the Board of Property with whose proper authority I shall not interfere. The Survey^{r} under the Direction of Gen^{l}. Steele will begin upon the boundaries of Salem this day, and there is no doubt but the Commissioners who superintend the surveying department will hear everything necesary to enable them to do justice. I am, &^{c}.,

THOMAS COOPER.

Mr. Cooper to Daniel Smith.

Wilkesbarre, August 20, 1802.

Daniel Smith, Esq^{r}. :

Dear Sir: The Islands opposite Salem, are included in the original Grant of Salem, land laid out partly as public Lots, and partly drawn by Nathan Beach; the Islands opposite Plymouth are claimed as lots originally laid out and drawn among the Lots of Pymouth, and owned by Benjamin and Baker. But no satisfactory title has been made out to these Lots; last year they were rejected on the ground of their not having been released; at present the title is undivided, till I can examine the original records of the Grants of Townships in John Franklin's possession. I have appointed next month for that purpose.

The same defect (then temporary at least) rests as to the Kingston Island, and the Wilkesbarre Island; to this Putnam Catlin has a good title if the Island be included in the original Grant of the township. On this head I can as yet give no decisive information or opinion. The small Island below Lacawanna called Benedict's Island is claimed, and a title made good thereto, by J. Benedict, as part of a meadow lot in Pittstown; but I have no proof as yet of its having been granted.

The other Island, called Scovell's Island, is in dispute between Scovell and John Carey, as to one half of it next the Shore; the other half is claimed by Roger Searle; but no title made out to any part of it.

THOMAS COOPER.

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M^{r}. Cooper's Compliments to M^{r}. Bowman, and wishes the Gentlemen of the Bar would come to some determination resp^{t}g the Appeals, as it is highly expedient in M^{r}. C^{s} opinion that the business should be put in a train of final Settlement. M^{r}. Cooper is willing either to leave the question to the Attorney General, or to hold the Applications for Appeals under advisement until next April Court, provided the Gentlemen of the Bar will unanimously agree to withdraw the Appeals they are or may be concerned in, and try them absolutely before the Commissioners, either soon after the Attorney General's opinion is known in one case, or at next April Court in the other case; if no alteration, legislative or judicial, should take place in the present State of the Law. Unless some agreement of this kind, entered into by to morrow, M^{r}. Cooper will think it right to advertise his opinion in next Saturday's paper, and advise the parties desirous of trying to enter a discontinuance on the Common Pleas Docket. Sep^{r}. 2, 1802.

Mr. Cooper to Governor McKean.

Northumberland, October 20, 1802.

To his Excellency Thomas M^c^Kean, Governor, &^c^.,

Dear Sir: I returned to Wilkesbarre on Saturday last, having finished all the substantial part of my Tour of Duty under the Commission. Every claim of every Connecticut claimant under the Law of 1799, and the Supplements thereto, has been examined and decided upon, except the cases of Townships rejected, and Appeals from my Jurisdiction.

The Townships of Bedford and Ulster were not able to make out a title to my satisfaction, under the Susquehª Company, and the law of 1799. I rejected therefore every applicant within those Townships. The case of Ulster I was very sorry for, as the applicants there deserve far more for their Submission to the terms of the Law of 1799 than in any other Township. Ulster is the very focus of opposition, and the applicants have had to encounter much rancour and ridicule from their opponents. In Ulster live Franklin, the Satterlees, the Spaldings, the Binghams, and all the decided and leading characters among the half-share men In that Township, and there alone will opposition rise, if at all.

Of the persons who have applied for the Benefit of the Law of 1799 (about 950), the proportion of $\frac{9}{10}$ths, as near as I can now conjecture, have exhibited their titles. Of these there are 16 appeals to the court of Common pleas. These appeals that Court, in August last, determined they had no power to try, owing to the disabilities created by the territorial act; so that unless the succeeding legislature should make some amendment to the Law in this respect, I must perforce decide them in May next. My Colleagues have not been able to make the same progress in their Department, as I have in mine, owing to the very many subdivisions of Lots, disputed Boundaries, marks effaced, &^c^. The Townships of Braintrim, Springfield and Claverick will, I am persuaded, occupy them a part of next Summer, and the winding up of the whole Cannot be done till the close of it. I see, however, no obstacle to our enabling you to lay before the Legislature of $\frac{1803}{1804}$ a view of the whole business in a finished State.

On my part I shall have yet to superintend 1^st^, the Entering up the rough minutes of this Summer's occupation in a State fit for future inspection and reference. 2^ndy^, to decide the Appl^cs^, if the territorial act be not altered. 3^dly^, to perfect the Entries of title, where want of distant Deeds and Documents, yet to be procured, have occasioned trifling deficiencies, and 4^thly^, to make out the Certificates, both under the Connecticut

and the Pennsylvania title. These may amount to 850 and 1,000. As there must be a Draught of Survey annexed to each, under the authority of my Colleagues, who have spared no pains to arrive at accuracy, and also a duplicate Draught to be returned to the Surveyor General's Office, much labour must yet be taken.

I have found a very general and great anxiety among the Connecticut Claimants, throughout all the Townships, who by mistake, misconception, ignorance or accident, have been deprived or defeated of the benefits of the law of 1799, to submit chearfully to the conditions offered by the Legislature; And I am persuaded that all those who have been misled by false misrepresentations in the upper Townships, will express by petitions to that purpose, to the ensuing Legislature, their anxious desire to be embraced within the provisions of the Law of 1799. They now see that something will be done, and that the law will be carried into effect, and that the pretended friends among the half share holders have grossly deceived them. Whether the Legislature should agree or not to the prayer of such petitions, if they come forward, these Symptoms of returning obedience, satisfactory testimonies of beneficial Effect from the measures hitherto taken.

I state to your Excellency these general facts, that you may select from them such information as you deem proper to mention at the ensuing Session.

I propose submitting to your Excellency shortly, a more full and particular memoir on the general state of this dispute including observations on the policy to be adopted so far as my experience among these people has suggested ideas on the subject. I hope also to find time to transmit some thoughts on the commercial Situation of that part of the Country, in connection with Philadelphia, which as I know your anxiety to promote the interests and happiness of the State over which you preside, I shall venture to submit, with great deference to your better Judgment.

In the meantime, I remain, with sincere respect,

Your Excellency's

Obliged Friend & Servant,

THOMAS COOPER.

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Mr. Cooper to Governor McKean.

Wilkesbarre, November 15, 1802.

Sir: When I wrote last to y^r^ Excellency, I promised some farther information on the present State of the Business under

the Commission, and some observations on the most expedient method of finishing the half share controversy, as well as that within the Townships. In compliance with that promise, I beg leave to state general facts, from which y^r^ Excellency will be able to draw conclusions of importance as to the obstacles which the State has to contend with in the Settlement of this long continued dispute. The taxable inhabitants of Luzerne County in 1793, 1,409; The returns of the late Census make them, 2,395; Hence the increase of the County in seven years will be 986.

This will not allow for a very great influx of Intruders, since it is not more than the average increase throughout the State between the two periods of Census.

The largest Election in this County was at the time of the Contest between your Excellency and M^r^. Ross; at that time you had 259 votes and Ross 979, making 1,238. This year Ross had 680 and you had 278, making 958. Hence it appears that whether from Indifference, or from a population too thinly planted, the inhabitants of this County turn out on public occasions less than the other Counties of this State; or else the real population is overrated.

Of this 958 you will find by the inclosed paper that the Districts of Wyalusing, Wysox, Tioga, Willingborough and Rindaw, in which alone there is the slightest chance of any active opposition to the laws of the State, furnished 308 voters; of whom 106 are applicants under the present law, and therefore reasonably to be deducted from the number of our opponents. Hence I cannot be far wrong, when I state the utmost force of the wild Yankees, as they are called, at 200 men. These are for the most part poor and ignorant, but industrious, Settlers, thinly scattered over a wild Country, incited and misled by about half a Dozen Leaders, living chiefly in the township of Ulster, viz: Franklin, Satterlee, Spalding, Bingham, Flower, Kingsbury, John Jenkins of Exeter, and Ezekiel Hyde, of Willingborough. In fact all the active opposition is confined to 3 or 4 miles above and so much below Tioga Point and about a dozen miles East and West of it.

William Ellis, of Muncy, went this Summer to survey in that Country; he was warned by the Yankee Settlers to discontinue his Surveys, and he was obliged to retire. The people who opposed him were all north of Sugar creek, which empties into the Susquehanna at the north End of Claverack township. South of Sugar creek and upon Tawanda he was assisted by the Settlers. M^r^. Catlin, of Baltimore, also went out this Summer to Survey upon the Branches of Sugar creek. The Settlers in Smithfield township sent a party to warn him to

desist, tho' they did not find him. Your Excellency will, therefore, see that there still exists a spirit of lawless opposition in the Neighborhood of the men whose names I have mentioned, And as I think, no where else of any consequence.

That my Statement of the numbers cannot be very wide of the truth (tho' I am persuaded I have over rated the force) will appear from the general fact that the Applications under the present compromising law amount to 1,124, or about 1,000 persons of the Seventeen Townships so called. I have been compelled to reject Ulster and Bedford, wherein the Applications were 33 and 58, so that I have not examined any of these claims. Out of the other 15 Townships, I have gone thro' the various titles of 740 persons to the present day; absentees, deficient titles, &c., will probably make up the number of persons entitled to a Certificate 800 before the business is closed. Hence the Connecticut Settlers, about 800 influential men, will be divided from the Malcontents, and in case of necessity be compelled to act with us; for whatever their opinions may be, they will follow their Interest. Deduct then, from the whole number of Inhabitants, the friends to the compromising law, and the Settlers under Pennsylvania title disputed, thro' the County & the remainder cannot be many.

We shall be safe, therefore, from the above data in taking the utmost force of our opponents at 200, of whom I have no conception that one half can possibly be brought to act together. Except John Jenkins and Ezekiel Hyde, the leaders live near each other, with establishments and families, and in case of necessity might easily be reduced.

I mention all this, because I lived in the heart of the opposition (in the Township of Ulster) and know pretty well their Intentions. Our success with the people in the Townships below, alarmed the half Share men; they held two meetings on the Subject while I was there; and some of the more intelligent of the Connecticut Claimants in that quarter hinted to me their doubt whether Ulster township would be peacably surveyed. It is my decided opinion, therefore, that if any violent mesaures are adopted now, force will be necessary; wait a 12 month longer and it will not. My reasons for this latter opinion are as follows:

1st. The friends of the compromising law, proposed Rosewell Welles for the Assembly. They were ridiculously afraid of opposing Franklin, whom they now see they could easily have excluded. The half share men agreed; for they had persuaded themselves, and persuaded the people in the upper townships, that the law of 1799 was a farce; that the Commissioners would never venture far beyond Wilkesbarre; that the Settlers

would never make out their titles, and that our proceedings would do them no harm. On my arrival at Springfield they had a meeting, and another when I came to Ulster; they broke through their Compromise with Welles' friends; they dispatched Messengers all over the Country to set up Jenkins in opposition to Welles, and strained every nerve to accomplish it. This has nearly brought the two parties to an open rupture; their leaders have had personal altercations, and the friends to the law o. 1799 are stigmatized as deserters from the common cause. While in their turn they declare that the half share leaders are no longer to be trusted upon their word and promise. The party is splitting and the Breach will not close. 2ᵈˡʸ. In Ulster there are 33 Settlers who have been bold enough to apply under the law of 1799; for whose sake I was sincerely sorry that the Evidence failed in establishing that township. While I was there I was given to understand that many more would have applied, had they thought they could have been admitted, in spite of Franklin and his party.

Among these I have understood was Bingham one of the most determined of their leaders. They will petition the ensuing legislature, and I sincerely believe that granting them the same indulgence that has been granted to the other Townships will settle the dispute. It will be beating up the Enemy's camp.

3ᵈˡʸ. The people in the upper townships who were misled and deterred from applying by the misrepresentations of the Ulster half share men, are exasperated at being deceived, And many of them have applied to me to draw up a petition to the ensuing Assembly. This I have done in the manner you will see by the enclosed printed copy.

4. The half share men themselves are splitting and Ezekiel Hyde, an influential man among them, is about calling a meeting to apply again to the Pennsylvania Hollers and offer reasonable terms of purchase, independent of Franklin and his Adherents, whom they now pretend to condemn for their improper violence, and the unreasonableness of their Demands.

So that I see everything likely to go on during the present winter and the ensuing Summer, to annihilate or to reduce to insignificance the half share opposition. & if the Legislature will lend a little assistance, by continuing for another 12 month the plan of conciliation, the disagreeable necessity of force may be done away.

But if the business be not aided by a little management in the way I mention so as to countenance the Seceders from the half share men, instead of throwing them back upon their party, I am satisfied that more than a Year from the end of

the next Session ought not to pass away without a force appointed sufficient to crush at once every opposition, and drive the half share leaders forever out of the State. The half measures of dividing the County will not in my opinion answer the purpose. Like many other laws passed on this Subject it will exasperate, but not intimidate. My Colleagues, I believe, think otherwise. But I do not see that changing the name of the County in which these people live can make any difference. They will still have the same inducements to hold their possessions in opposition to the law, and nothing but address in dividing them, or force in compelling them, will ultimately be effectual.

Indeed I know of no way of making the County of Luzerne permanently useful to the State but by encouraging New England Settlers under the Pennsylvania title. The Pennsylvanians will never settle such a country. The Philad[a] Landholders who are infatuated as to the value of th[r] Lands, may induce the Legislature to make the Country a desart & keep it so; but less time, less trouble, and less Expence w[d]. make it a Garden. Yet if measures of conciliation do not produce the Effect within a 12 m[o]. better, it were that the Country should be a Desart than a continual hot bed of lawless opposition and Insurrection. But I sadly begrudge such an exertion for the sake of the P[a]. Speculators. They have little claim upon the State, for, independent of the speculating transactions of 1792 and 1793, out of upwards of 750 applications of 1769 in this County, not more than 104 are patented or paid for.

As my Colleagues see all my Communications with y[r] Excellency, the facts I state may be considered as our joint report. I shall endeavour to fulfil the other part of my promise upon the internal communication for Commerce in this part of the State, as soon as I can lay together such parts of Pennsylvania and New York States as are necessary to shew the Connection.

In mean time, I remain,

Your Excelleny's faithful Friend and Servant,

THOMAS COOPER.

Mr. Cooper to Governor McKean.

Northumberland, January 18, 1803.

To his Excellency Tho[s]. McKean, Governor of Pennsylvania:

Dear Sir: I have received a letter from Judge Fell respecting a disturbance at Wyalusing Creek, out of the 17 townships, of which as usual more will be made than the thing deserves.

tho' it is bad enough. The situation of the disturbance is at the Forks of the creek in the Yankee township called Allensborough, as marked on the map which I transmitted to your Excellency some time ago. It arose from a Drunken Christmas frolic, and from private revenge against Hinds as well as from irritation at his informing against so many. You have heard, of course, that the Sheriff and Coroner, unattended, took 6 in custody without resistance, and made them find security for their Associates to the number of 38. I went to Sunbury to Mr. Roberts, who acts as Attorney General, & I sent up to Mr. Daniel Smith, of Milton, who is employed (or was so) by the Pennsylvania Claimants. But Mr. Roberts is seriously ill of a cold, and his wife is expected every hour to be brought to bed; he sent up to Mr. Bowman, of Wilkesbarre, indictments founded on the Depositions, with directions if necessary to remove the cases by Certiorari into the Circuit Court.

As to Mr. Smith he expects no remuneration from his Clients, and as the roads are very bad he declined going. However as Judge Rush will not be there, nothing is now necessary but to send up the Bills, and bind over the parties and Witnesses to the next Court. It is worth remarking that this riot is on a Settlement, which I understand is governed by E. Hyde in a great measure, and a Jabez Hyde is at the head of the meeting. But I am fully persuaded that this is nothing more than a mere local disturbance, an Ebullition of anger owing to the fumes of Liquor more than to any permanent or systematic opposition, of which kind nothing yet has occurred, and I am pretty sure I shall soon hear of it, if any thing of the kind is in agitation.

I think from my Communications to your Excellency, it will appear that I am sincerely anxious at all events to get rid of this unpleasant Business; my opinion is decided, that altho' it may be prudent for the Legislature to enable your Excellency to raise a part of the militia, and employ them, if you see occasion, yet the actual employment of them till the issuing of Certificates to the Claimants under the law of 1799 are completely detached from the half share men, would be imprudent and premature. The instant Certificates are given out in the townships and a few patents are obtained, there will be a decided opposition of interest and of Conduct between the two sets of Connecticut Claimants, and I should not doubt at all but the people in the townships would be effectual to quell any disturbance out of it. These Symptoms of irritation among the half share holders are manifestly owing to their feeling themselves directed by the other class. The next Season must

and will finish this business, and then, as I have said before, I should have no objection to see every intruder turned out by force and prohibited from any future entrance into this State. No Penns[a] Claimant would be the advocate of more decided measures than myself, but I cannot be more satisfied of my Existence than of the prudence of my present and former representations.

I am sorry to see in the Legislature the imprudent pressure of the business against Franklin. It is a disgrace to the Legislature that he remains in his seat, but as yet there is no conviction, and it furnishes reason for Cavil when proceedings are thus premature; till the next Circuit Court judgment can be passed, & even then he has his 4 days to move for a new trial or in arrest of Judgment. These are circumstances that evidently furnish objections to the proceedings in the Legislature. My former letters give your Excellency my Ideas of the dangerous influence of this Man; nor should any legal or technical objections prevent me from expelling him and his Associates, whom I have named out of the State the instant the township business was settled; but we should furnish as yet no good grounds for objections against the fairness of our Legislative proceedings.

I understand that the house is going to alter the last law on this business, by declaring long settled Pennsylvania tracts within the Townships not subject to the provisions of that Supplement. If so, they will legislate about nothing, for there will not be a case in all the Townships to which such a Law can apply. There are no cases except the following that can suggest such a Law:

1. On Wyalusing Creek a part of the Grant to Job Chilloway, the Indian, was purchased by a M[r]. Paulding. His Sons are now settled on the part so purchased, and there has for years been full acquiescence on the part of the Connecticut Claimants, and no pretence of title to Paulding's land set up before me.

2. In Salem, there is a tract of Land settled by the Assignee of Lee, who keeps the Ferry about 17 miles on this side of Wilkesbarre, and which is claimed by the Connecticut owners of Lots. The present possessor under Lee came to me to exhibit his title. I asked him, do "you claim under the Susque-"hanna Company?" "No." Then I replied, "I have nothing to "do with your title, whether it be good, bad, or indifferent; "my Jurisdiction extends no farther than the investigation "of Connecticut titles and disputes between Connecticut claim-"ants." But without caring whether this man's title was good or bad, I have rejected the Connecticut title to the same Land, upon the ground that the claimants under the Susquehanna

Company took no measures to dispossess this man for near twenty years; that they did not pursue their claim by any of the means in their power, and that their acquiescence in this man's improvements, without taking any regular steps to ascertain their rights, debarred them from any claim now; that keeping their claim substantially dormant so long amounts to legal fraud. That this is agreeable to the course of decisions in this County on dormant titles, & the Dictum of Lord Mansfield, as reported by Judge Lawrence in Rex v^s. the Inhabitants of Butterton, 6 term Rep. 556. If the present possessor has a good title, of which I know nothing, the Land will belong to him, and if not, it will belong to the State.

3^d. In the same township of Salem is a tract, long settled by one Smithers, which I believe will come under the same circumstances, and be decided in the same way.

4^th. In Salem is another tract, adjoining the Town of Berwick, originally taken out in the name of William Patterson, and belonging, as I understand, to some person in England, on this tract 6 or 7 years past, as appeared before me in Evidence at Salem, some inhabitants of the town of Berwick, taking advantage of the absence or carelessness of the owner, made improvements. The improvements so made by Pennsylvania Intruders, on the property of an absentee, and which were not pretended to be a sufficient foundation of title of any kind, did not appear to me any reason for objecting to the Connecticut claim to the same Land. I therefore took no notice of them. The owner of the Land has made no objection, or insinuated anything respecting it; nor has any person whatever, claiming under him. I had nothing to do, as I conceive, with any Improvements made by Pennsylvania intruders from the town of Berwick.

5. A part of the town of Berwick stands on a tract of Land taken up under Pennsylvania by Evan Owen, who laid out that town, and who, I understand, is now at Lancaster making his Complaints on this Subject, and who, to my knowledge, most egregiously exaggerates the importance of the case, as will soon be perceived. A part of this tract, and the town of Berwick, is included in the Lines of Salem; General Steele, M^r. Wilson and myself directed M^r. Sambourne, the Surveyor, to run out the lines of interference. They can give evidence respecting it; M^r. Sambourne's return to me makes the business quite insignificant; but whether more or less, I had to decide upon principles that have no relation to the Quantum of the dispute.

I held this case under advisement, on the following ground: It appeared in evidence before me, by the voluntary deposi-

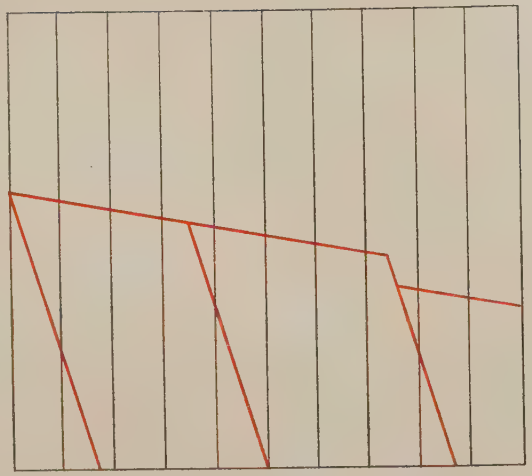
tion of Evan Owen himself, that he made his Commencement of Settlement on the tract of Land whereon the Town of Berwick now stands on the 16th day of May, 1787, the Confirming Law having passed on the 27th day of March preceding. It appeared to me that the Confirming Law was public and legal notice to him of an opposite and older title then recognized by the Legislature, & that he settled at his peril. He took up the Land and he settled it, knowing of a precedent title. This induced me to give it further Consideration before I admitted Mr. Owen's objections. This further Consideration is now no longer Necessary, as the Connecticut Claimants of this Land have authorized me to say that in whatever way I determine the question, they are desirous that no obstacle should be thrown in the way of the Compromising Law as it now stands, and therefore, they will glady release to the State every part of their Connecticut right that interferes with the Town of Berwick. If therefore Mr. Owen has a good title to the Land, let him make it out as against the State.

Hence your Excellency will perceive that the Legislature is in danger of fighting a Shadow; of occupying their time and swelling the Statute Book with a Law that relates to nothing. I am anxiously engaged here in getting out the Certificates of Wilkesbarre, and, therefore, I do not go to Lancaster till I can bring them with me; but surely upon all this Business of Luzerne County, and surely upon all that relates to my own peculiar department and Conduct, it is worth while for the Committee or the house to order my attendance and examine me before they proceed definitively to pass a law on the Subject. I shall certainly attend on the earliest information; but while I am usefully & almost indispensibly employed here, I do not want to waste my time on any speculation of my presence being necessary there.

I wish if such a law is in contemplation, that these facts and remarks could be somehow made known to the house; and I would beg leave also to suggest that if any resolution is to be made on the Intrusion business of Luzerne, it ought to be grounded not only on what passed with respect to Smithers and Hinds, but that information of William Ellis, of Muncy, and of Mr. Baird, of Potsgrove, is essentially necessary. The two latter can give more light into the conduct and views of the half share men than any persons out of the Commion. Mr. Baird has lately been surveying Pennsylvania tracts in Wyalusing. His Evidence & Mr. Ellis's will corroborate my present and former observations.

Wishing my Colleagues, General Steele and Mr. Wilson, to be acquainted with the Contents of this letter, I have taken

THE BLACK LINES ARE CONNECTICUT LOTS.



THE RED LINES ARE PENNSYLVANIA LOTS.

See page 510.

the liberty of transmitting it to your Excellency through them. I remain with great respect,

Your Excellency's
faithful Friend and Servant,
THOMAS COOPER.

Mr. Cooper to Gen. John Steele.

June 15, 1803.

General John Steele:

Dear Sir: I see plainly that unless we proceed to finish one township at a time, no certificate to the Connecticut Claimants can issue this year. If all the protections are first to be done, and to be done by Sambourne alone, and the Subdivisions afterwards run out, there will be no time to issue Certificates; for before this can be done my departm^{t} will be at a stand. Whereas if one township at a time is finished, and the Certificates made out and issued, the people will be more contented, and we can all have full employment. I do hope you will agree to let us go on and issue at once the Certificates of Wilkesbarre, and the other settling towns, before the remote townships are begun. I am sure too that you must have assistance in your department; unless we do something early about the Certificates we shall get into discredit with the people now, and the Legislature hereafter. I am certain as I am of my Existence that the Business can be done this Summer, but not on the plan you are pursuing. Sambourne says you are in doubt about issuing Certificates comprizing more than one lot in each. This question was put by me to the Board of Property when I shewed them Major Ross's certificate, which had three distinct claims laid together and certified together. They were of opinion that if one Connecticut Claimant was the owner of several contiguous lots, they might all be included in one Certificate and patent, if the contents were not more than the usual quantity of a Pennsylvania patent, viz. 400 acres; at any rate let them make the objection; if they make it, I shall accede to it and let them take the responsibility. But in fact it is a question which I consider as settled by the Board.

While I was at Lancaster, I had a dispute with the Register and Comptroller about the allowance of accounts of Expence up the river. We agreed to leave it to you and M^{r}. Wilson. I went to seek for you, but you had returned home. M^{r}. Wilson told me afterward in confidence that you had already seen the accounts in M^{r}. Duffield's possession, and had previously

given an opinion of them; if so, it would not be right to trouble you with them now. Be so good as to inform me if this be the case or not. If not, I shall ask you to give your opinion after hearing Judge Fell and me. But if you have given an opinion, I shall not trouble you on the Subject now.

I am, Dear Sir,

Your Friend and Servant,

THOMAS COOPER.

Inquired of Mr. Priestly whether Mr. Kennedy, the printer, could conveniently discharge your account; he said Kennedy would have money coming to him very soon. If you would write to Kennedy to transmit you an order on Mr. Priestly it would be discharged at once.

Mr. Cooper to Thomas Sambourne.

Wilkesbarre, June 30, 1803.

Thomas Sambourne, Esqr.:

Sir: In making out the Certificates of the Townships, Wilkesbarre for instance, attend first to my pencil marks on the duplicate returns of Survey. Then let every Certificate be examined with the Submission, to see that each Claimant has applied and taken oath of single title for the land certified, either as included in his own application or as Assignee of a former Applicant. Where the land certified is more than the quantity covered by the Application take care to make a memorandum in pencil on the Back for my perusal, or else make out a List. Do nothing until the Certificates are out.

I am, &c.,

THOMAS COOPER.

Insert the Quality in the Duplicate Surveys.

Mr. Cooper to George Duffield.

Wilkesbarre, July 2, 1803.

George Duffield, Esqr., Lancaster:

Sir: As I expect an answer from Mr. Bryan, probably coincident with yours, I shall defer my joint answer till I receive it. I must be in Northumberland on this day week, where the post day from Lancaster is two days earlier than here; I shall enquire there for a letter from Lancaster, but should Mr. Bryan's answer be directed here I shall not have an oppor-

tunity of replying by the same post. I shall have no objection to your proposal, if Mr. Bryan has none.

I am, Sir,

Your obedient Servant,

THOMAS COOPER.

Mr. Cooper to Gen. John Steele.

July 27, 1803.

General John Steele:

Sir: Mr. Taylor and myself, considering what you mentioned respecting assistance to Mr. Sambourne for the purpose of expediting the Certificates, find, 1st, That Assistance is necessary in the protracting, which in our opinion Mr. Haines can be profitably employed in, with occasionally assisting in the calculations. 2. That Geo. Bowdery also wants assistance, for which purpose we have recommended Mr. Sambourne to employ Jos. Wright, who will fill up the writing part of the Draughts & Certificates. 3. It is also probable that by and by the assistance of one additional person in the calculations alone, for which purpose, unless Mr. Sambourne can get some one better, Mr. John Cooper may be considerably employed in.

On the whole we are of opinion that all these persons ought to work under the direction of Mr. Sambourne, and with his assistance we shall probably get through. We suggest these for your Consideration.

And are, &c.,

THOMAS COOPER.

Mr. Cooper to John R. Coates.

August 19, 1803.

John R. Coates, Esqr.:

Sir: The Commissioners here will thank you for early information on the following Subject, in which the proprietary Estate is interested.

Nos. 34 and 35, in the Manor of Stoke, sold in 1772 to George and Martin Ryerson, under agreemts executed as per the official copy transmitted to us, has been released to the State by first the proprietors, 2 by the heirs of Charles Stewart, deceased, and is also claimed 3dly by Mrs. Kerr, under a Deed of 1774 from Thomas Lowrey, who has paid the money. How much has been paid, and whom do you consider entitled?

I am, in Behalf of myself & the other Comm'rs,

Yours, &c.,

THOMAS COOPER.

Mr. Cooper to D. H. Conyngham.

Wilkesbarre, August 19, 1803.

D. H. Conyngham, Esq^{r}. :

Sir: I observe that N^{os}. 34 and 35 in the Manor of Stoke, released by the late M^{r}. Charles Stewart, are also claimed by a M^{rs}. Kerr, under a Deed of Conveyance sufficiently descriptive of the Year 1774, from Thomas Lowry. I beg of you to write to M^{r}. Stewart, of Flemington, as the Lands so released cannot be certified in his favor.

I am, Sir,

Your humble Servant,

THOMAS COOPER.

———

Mr. Cooper to Anthony Morris.

November 4th, 1803.

Sir: The tract of Land mentioned in your letter to me of August 16, 1803, taken up in the name of Aaron Dean, is not within the Bounds of any of the Seventeen Townships, nor has it been released to the State. Nothing can be done respecting it under the Commission of April 4, 1799, it not being within our Jurisdiction. Since I received your Letter by M^{r}. Roberts I have been confined by severe illness, otherwise I should have answered immediately. I am, &^{c}.,

THOMAS COOPER.

To Anthony Morris, Merchant, Philadelphia.

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The Commissioners to Governor McKean.

Wilkesbarre, November 18th, 1803.

Sir: Presuming you will require information to lay before the house respecting the progress of our Commission, we take the liberty of informing you that everything dependant on the personal exertions of the Commissioners is finished; that is, every Connecticut title is taken and recorded; every Connecticut dispute among the claimants has been heard and settled; every township has been run out, and every lot and subdivision in every township has been ascertained, surveyed and valued.

Of the fifteen Townships whose title has been established as coming within the perview of the Acts on the Subject, certificates are made out, and will Issue before the meeting of the

Assembly, for Wilkesbarre. Kingston, Plymouth, Hanover, Newport, and Salem, so far as relates to the Connecticut Claimants and some of the Pennsylvania Claimants; Others of the latter class appear to us liable to exceptions, which will require deliberation before they are issued. We contemplated that every thing relating to the Commission would have been closed next Spring, as suggested in our reports to the Legislature last Session, but the number of the Draughts and other Documents to be made out, entered and compared, and the accuracy necessary to prevent Mistakes, makes the business of the Clarks, and the duties dependant upon them, so much more tedious than we expected, that it will probably be the end of May before all the Certificates are issued. You will have the Satisfaction, however, of seeing the business is drawing to a Close.

We have also the pleasure of informing you, that among the persons Usually called half share holders, from eighty to a hundred, have made agreements and taken Deeds under the Pennsylvania Claimants of the land they Occupy; and we believe these people generally begin to see their true interest and feel anxious to procure the title of this Commonwealth. Indeed the great Obstacle at present is the uncertainty of the Pennsylvania title in that part of the County, which is out of the bounds of the 17 Townships. Your Excellency will see by the inclosed Advertisement that we have pledged ourselves to the people here, to carry into effect the representations we make in the present Communication.

We are, with great respect,

Your Excellency's

faithful friend and Servants,

THOMAS COOPER.

J. M. TAYLOR.

P. S.—We have written to Gen[l]. Steele to request him to Apply to your Excellency for a Warrant for $—— to pay off some Arrearages & Supply the persons employed during the Winter.

— —

The Commissioners to Gen. John Steele.

Wilkesbarre, Dec[r]. 31[st], 1803.

Dear Sir:

We have just received your letter, but as you must well know it will be impossible to give any Accurate Answer to the Townships not yet protracted and calculated before we leave this place; the Certificates of Wilkesbarre, Plymouth, King-

ston, Hanover, Newport and Salem will be issued, and to those we can then transmit useful Information; the rest must be by conjecture until the Certificates are Issued; this will not be possible before the latter end of May. In about three Weeks we will send you a reply for the consideration of the Committee; but you are perfetly aware, as well as Ourselves, of the impossibility of our doing more at present than what we have stated, We shall have, however, tolerable good ground for any conjecture as to the Townships that will not be compleated before our Departure.

Yours, &c.,

THOMAS COOPER.
J. M. TAYLOR.

Gen^{l}. J. Steele, Lancaster.

The Commissioners to the Secretary.

Wilkesbarre, January, 1804.

Andrew Ellicott, Esquire, Secretary of the Land Office:

Sir: In making out patents on the Certificates we have to request your attention to the Indorsements which often explain and limit the Certificate within. In many cases the Claimants have made out title to us beyond the amount of Acres Applied for; these cases we have Noticed wherever it seemed to us proper to do so; we leave it to the discretion of the board to Act in these cases as they think fit. There are several lots of Public Land, the Indorsements whereon refers to this Letter; We are of Opinion that the Patents should issue in all the Certificates for land of that description, According to the following form. We select Wilkesbarre an example.

Patent for the public lots in Wilkesbarre to issue to Matthias Hollenback, Lord Butler and Jesse Fell, Esquires, trustees and Agents for the care and Management of the public lands belonging to the Township of Wilkesbarre, and to their Successors duly appointed at a Township meeting of the proprietors of the Lands of the said Township, regularly Warned and convened, and held for that purpose; the Said public Lands (consisting, &c.,) to be holden by the said Trustees and Agents, and their Successors aforesaid, on the Condition of reserving the same for the Use of the Proprietors of the said Township forever, in the following manner, to-wit: that two-thirds of the proceeds thereof shall be forever appropriated to the establishment and support of public Schools in the said

Township, and the other third to the Support of a Minister of the Gospel, to Officiate in the Said Township, to be Appointed and continued from time to time by the Majority of the Proprietors present at their regular Township Meetings.

We think the preceding limitation Should be inserted in the body of each Patent issued for the public Lands of the respective Townships, unless the Indorsment by us on the Certificate should indicate any variation.

We are, Sir,

Your Obed^{t} Servants,

THOMAS COOPER.

JN^{o}. M. TAYLOR.

———

The Commissioners to the Secretary.

Wilkesbarre, January 14, 1804.

Andrew Ellicott, Esquire, Secretary of the Land Office:

Sir: I have heard with much surprize, but with great concern, that you and the other Gentlemen, constituting the Board of Property, have refused granting Patents on our Certificates to the Connecticut Claimants. I understand this from E. Bowman, Esquire, and Col. Franklin (to whom, and to the half share men, this will be most grateful news) has written to his friends to the same purpose.

The utter impossibility of executing the act of 1799, either with satisfaction to the Claimants or benefit to the State, induced us to propose to the Legislature the Supplement of 1802. This Supplement enabled us fairly and reasonably to require the Surrender of the Connecticut Deeds, and thereby strike at the very Root of Opposition in the Seventeen Townships.

This Supplement made it no longer necessary to the Connecticut Certificate, that the Land claimed by the Connecticut Settler should be released to the State. Your Board, have however, deemed it expedient, for the Information of the Land Office, that the Certificate should mention what part of the Land certified had been so released; at first, from an Anxiety that our Board and yours should proceed in perfect harmony on every Question, I acquiesced, and sent you the form of a Certificate, including the point requested. On consultation, however, with my Colleagues, and our Surveyor, M^{r} Sambourne, We found that such a conformity to your wishes would prodigiously encrease the trouble of our Office, protract the business of the Comm'n and put the State to a very great Expence, on a matter of mere Curiosity on your part, and perfectly unes-

sential to the title of the Connecticut Claimant. All this was stated to your Board collectively and individually last Winter, both by me, and, I think, by General Steele. It was formerly stated, as a point we could not comply with, to the Board, by myself, in the presence of Rosewell Welles, Esquire, then Member from Luzerne, at a Meeting of the Board on the Subject.

It was stated as a Measure that would probably induce, with necessity, the trouble and Difficulty of some thousands of Calculations by Mr. Sambourne to Mr. Cochran. It was stated by myself to Mr. Cochran afterward at the Court house, in the presence of General Steele, as a Measure we could not be justified in acceding to, and should not comply with. Mr. Cochran replied that I had promised it, and that the Board had procured the Patents to be struck off. To which I answered that he well knew the form of the Patents were settled without any consultation with our Board, and while the Officers of the Land Office knew that the Supplement was proposed and progressing; that if the Gentlemen of the Land Office chose to proceed thus hastily, it was at their own risk. Finally, I stated in writing my reasons for not complying with the request of the Board of Property in March 24, 1803, of which I have a Copy now before me.

In fact, willing as we were to accommodate Ourselves to the wishes of your Board, neither I, nor General Steele, nor Mr. Wilson, could feel ourselves justified in acceding to such a Waste of time, so much unnecessary trouble, and so much unnecessary Expence to the State. We had frequent Consultations on the Subject, and our minds were made up not to notice the Pennsylvania releases in our Certificates, as forming no part whatever of the Connecticut Claimant's title under Pennsylvania. I foresaw other Objections, for had we introduced this point into our Certificate, it would have given an implied Sanction to its being an essential part of the title, and a Declaration that the Supplement of 1802 was nugatory. This would have been seen through by the Connecticut claimants and attributed to that System of Management and Manoeuvring of which they have long perhaps been too suspicious.

With all this previous knowledge of our Intentions, you permitted us to leave Lancaster without any Declaration on your parts, either individually or as a Body, that you would Object to granting Patents on our Certificates, drawn as they now are. From such Silence We had a right to presume Acquiescence, and we went on to issue them in the form you were apprized of, and 921 have already been issued on the faith of your granting Patents upon them.

Indeed the whole of our Communication with you on this Subject has been a matter of Accommodation only. Neither I, nor Gen[l]. Steele, M[r]. Wilson, ever conceived for a Moment that you had any right to decide upon the form of a Certificate for which Our Board, and not yours, is responsible. Your Duty in this is Ministerial, and not judicial. It is your Duty to issue the Patents on our Certificates.

I would further Observe, that in whatever mode we issue Certificates the State will lose nothing thereby, for we shall issue them for no more than the Connecticut Settler will make out a title for. Nor will your refusal of a Patent benefit the State One Cent, for as the Connecticut Claimants cannot dictate the form of Our Certificate, if they accept with a Performance, or tender of performance of all the Conditions required on their part, their Certificates will be an equitable title that nothing can overthrow. Your Conduct, therefore, may hurt the State; but the Connecticut Claimant with a certificate can set you at Defiance.

It has become my Duty to apprize you, Sir, and through you the other Gentlemen of the Board, what has been, and is likely to be, the consequence of your present Conduct. We have closed our Surveys; We have settled the Connecticut titles; we have called upon the people to come for their Certificates of six Townships and give up the Connecticut Deeds. They have done so, in many Instances, and are daily coming in for the purpose. Their minds are quieted, and they have hitherto had confidence in the justice of the State, and the fairness and liberality of the Officers. It has induced many of the half share holders to purchase the Pennsylvania titles, and greatly facilitated the Sales made by the agents of the Pennsylvania Claimants, and finally it promised to bring Money shortly into the treasury to meet, in part, the Demands upon it.

You have clouded all these prospects; you have driven us back as we are sailing into port; you will have the Merit of spreading far and wide distrust of the State proceedings, of keeping back the Documents of Connecticut titles, which otherwise would come into our possession; of stopping the Receipts of the Treasury; of wasting the Money we have drawn from the State; and of lighting up again the torch of civil Discord, which we have laboured for with anxious Industry, and unlooked for Success to extinguish for ever. The half share holders begin again to revive, to sneer at our proceedings, and to value themselves on their foresight, and they regard you as among the best of their friends. All this is true; I tell it you because it has become my Duty to tell it you. You know

not the Extent of the Mischief you are planning, and you ought to be apprized of it.

I send the Copy of this Letter to General Steele; and shall call upon him to shew it to the Governor, and to the Wyoming Committee, and the Committee of Ways and Means, if you persist in the Conduct you have adopted.

I am, Sir, with Due Respect,

Your Obed^{t}. Serv^{t}.,

THOMAS COOPER,

I am equally persuaded with M^{r}. Cooper, that it would be highly improper to insert anything relating to the Pennsylvania releases in our Certificates to Connecticut Claimants; and I fear he has not delineated sufficiently the Mischief likely to arise from refusing Patents, and I have firm Expectation that when the Board of Property will take a retrospective view of the Subject, they will not give a Moment's Delay in the issuing of Patents, when they are applied for by the Connecticut holder of our Certificate.

J. M. TAYLOR.

The Commissioners to Joseph Scudden.

Wilkesbarre, July 14, 1804.

Sir: The Commissioners appointed to settle the Disputes respecting the Connecticut claims on Lands in Luzerne County, beg of you to transmit to them certified copies of the Surveys of the tracts released by the Names of David, Samuel and Philip Johnson, and also the Survey of the tract called "Partnership." Without such Offices Copies they have Evidence of the Survey and return, nor have they any sufficient means of ascertaining the Situation or Value of the tracts. If you have them not by you, they beg you would cause them to be transmitted hither from the Land Office of Pennsylvania at Lancaster, as early as you can.

I am, Sir, Your Ob^{t}. Servt.,

THOMAS LLOYD,
Clerk to the Comm'rs.

The Commissioners to the Land Claimants.

Wilkesbarre, Aug^{t}. 3, 1804.

Gentlemen:

I have received your letter, and tho' my Colleague, M^{r}. Taylor, is absent, yet I hasten without Scruple to communicate all the Information I possess, well knowing from repeated con-

versations that his Opinions and mine perfectly coincide with those from which Gen[l]. Steele and M[r]. Wilson heretofore never varied.

With respect to your two Questions, 1[st], whether patents will issue on our Certificates as they now stand. 2[dly], Whether we are prepared to conform to the wishes of the Board of Property by inserting the released part of the Land certified. I answer to the best of my knowledge as follows:

In the Spring of 1803, Assurances were given to Major Ross by the Board of Property, in my presence, and to Rosewell Welles, Esq[r]., by M[r]. Matlack, that patents would issue on the Certificates. The want of Books was then assigned as the reason of Delay.

In the winter (13 of last April), I received a letter from M[r]. Taylor, stating that the Board of property had agreed to issue Patents on Our Certificates, and that nothing but the press of Business, and the diminished number of their clerks, then prevented it, this letter I shew'd soon after to Judge Hollenback, in Northumberland, and I apprehended no further Difficulty.

Toward the latter end of last June, Nathan Beach, Esquire, was in Philadelphia, and, as he informs me, was told by the Governor (whose anxiety to give full and fair effect to the laws of 1799 and 1802 has ever been manifest) that he might depend on patents being issued without further Delay, and that if his Neighbours came down to Lancaster, to present their Certificates, they need not apprehend any Difficulty at the Land Office; or to that Effect.

About a Month afterward, I saw the Governor myself, who informed me that the Attorney General had given an Opinion to the Secretary of the Land Office, and that he believed I should find no further Difficulty on the Subject of our Certificates. Previous to my seeing the Governor, I left a Letter for the Secretary of the Land Office, stating that on my return from Philad[a] I would call for a reply from the Board of Property to the Question, whether they would or would not issue Patents on our Certificates in the present form; on my return, in about 4 Days, I called on M[r]. Ellicott, who told me that the Board of Property had requested him to present me with a Copy of the Attorney General's Opinion, and to give no other answer to my Letter, so that all the Declarations heretofore made by myself and by M[r]. Beach, and, indeed, I may almost venture to say by the Governor, are at an End, and whether the Board of Property will make out Patents conformable to the present form of the Certificates I cannot tell, as they will not condescend to give me an Answer decisive on the Subject.

What the case which they stated to the Attorney General contained, I know not; but his Opinion in Substance is that it would be best for the patents to recite the release of the Pennsylvania Claimant; But that it is not necessary for our Certificates to contain any such recital.

I am aware of the respect to which the Opinion of the Attorney General is entitled. On a case fully and fairly laid before him, which I am sure has not been done in the present Instance, or he would not have stated his Opinion in the present way, had we been applied to, to join in the case stated, and to have laid before him our Objections, I think he would have been of a different Opinion. This leads me to reply to your second head of enquiry, whether we are making arrangements to comply with the wishes of the Board of property. No; we are making no such Arrangements; nor in my Opinion can the patents issue in the way suggested, for 1st, Genl. Steele, Mr Wilson and myself had determined, in the fall of 1801, to resign our Commissions if the parts of the lots released to the State were to be specifically designated and calculated, and the Certificates confined to them. We saw it was impossible to go thro' the Business under this Difficulty. It would have been incomplete and unsatisfactory to both parties, and be liable to so many inaccuracies, Occasion so much expence and Occupy so much time, that it was in vain to undertake it on these Conditions. Had the law of 1802 not passed, the suggestions of the Attorney General would have been indispensible both in the Certificate and in the Patent. But the Commission would never have been proceeded in. At present they cannot be complied with under two years' additional labour, and in my Opinion, at least 10,000 Dollars additional Expence. But this is not all. In confidence of the certificate answering the purpose, they are almost all of them actually made out, and the major part of them actually delivered to the Claimants; to recall or to alter them would excite a jealousy impossible to be allayed. 2dly. In my Opinion the Patent ought to be conformable to the Certificate, they ought not to differ, or contain as a necessary part of the Connecticut Claimant's title, what the law of 1802 has declared shall not be a necesary part. It is a very suspicious and dangerous surplusage to the validity of the title; and makes a variance pregnant with future Dispute between the title given by us and the title given by the patent.

The present state of the law rejects the release as necessary to the Connecticut Claimant's title; the former State of the law required it. We are to act according to what the law is, not what it was; And so we apprehend ought the Board of

Property: Nor is it likely that we will consent to spend two years longer, and incur an Expence so enormous to comply with that which the Legislature has declared need not be complied with; and in the mean time to leave the Applicants under the law of 1799 open to all the Doubts and Fears so unhappily prevalent at the present Moment, and which Franklin and his Coadjutors so heartily rejoice at & so seduously keep up.

From the present Commission, the Information required as necessary to the Patent neither can nor will be supplied, for reasons before given. If it could, with moderate labour, or at any reasonable Expence of time and Money, We should most gladly go out of our way to furnish it: for we differ from the Board of Property and Attorney Gen.r with great reluctance, And should be very glad if we could make our Duty harmonize with our Inclinations to satisfy the Board, even in a point of which We cannot see the least necessity.

The Settlers having fully complied with their part of the Contract under the laws of 1799 and 1802, cannot be affected by the form of the Commissioner's Certificate, which they cannot control. And I am happy to find that the latter part of the Attorney General's Opinion fully confirms the Validity of the Certificates as hitherto issued.

I am, Gentlemen,
Your Obed. Servant,
THOMAS COOPER.

Thomas Sambourne to John R. Coates.

July 21, 1804.

Sir: D.r Rose requested that I would give him some Intelligence with Respect to the Proprietor's Manors in this County, released to the State. I know of no Difficulty at present. But with regard to your Manors of Stoke and Sunbury, it will be necessary for you forthwith to send to the Commissioner: a list of all such persons who you Acknowledge to have titles under you in those Manors, that we may make their Certificates out for such parts as they have released; the sooner this is done the better, as the Commissioners wish to close the Business this Summer.

I am, Sir,
Your M.o Ob.,
THOMAS SAMBOURNE.

John R. Coates, Esq.r

Mr. Cooper to John R. Coates.

August 1, 1804.

Sir: Herewith I send you a Copy of the Observations I have to make on the release of Mr. Penn. The paper will sufficiently explain itself, and I transmit it thus early that you may have time to clear up the Difficulties before the Board of Property when the Certificates are delivered there. I mean of course to be understood as at liberty to make any further Remark that may occur. The Certificates will not be ready till the Beginning of Winter.

I am, Sir,

Your Obedt. Servant,

THOMAS COOPER.

The Commissioners to the Secretary.

August 1, 1804.

Dear Sir:

I do not often intrude unnecessarily on your time, or plague you with Questions which you are Officially required to answer; but I am staying here from absolute necessity, if this dispute is to be finished at all, and under circumstances very anxious and unpleasant to me, as well as very opposite to my Interest and my Inclination. I was in hopes by this time, or at least before the meeting of the Legislature, to have left the Seventeen townships settled, the people satisfied, and their Connecticut title cut up by the roots, and to have planted an Opposition to the half share Interest, which would gradually, but shortly, root out the remaining part of the Susquehanna Speculation. We can beat the Half share men on their Own ground but their good friends Andrew Ellicott and his Coadjutors are very likely to render all our Efforts nugatory, and undo the labour of three years.

You recollect that in the commencement of the business, we found that as the law stood, enabling us to certify in favour of the Connect[t] Claimants for such part of their lots only as the State had again obtained by reconveyance from Pennsylvania Holder, We should give him the Pennsylvania title for detached and irregular portions, leaving them in Possession of the Connecticut title for the separate parts.

This would evidently neither satisfy them, nor fulfil the views of the Legislature, whose Business it was to establish the State title and destroy the Susquehanna One. It appeared to me, that the Settlement of a Dispute of so long standing, and which had been, and threatened to be, the source of civil commotion and inveterate prejudice against the laws, was a motive for

Legislative Interference, in taking the property of a private person for public use, under the Conditions prescribed by the Constitution, at least as strong as the motives arising from a Turnpike Road or Canal. The Legislature thought so too, and You were impressed with the necessity of the case, and sanctioned the Bill. During the progress of the Bill thro' the House, I was repeatedly given to understand, tho' without any other than circumstantial Evidence, that it met with the private, but undefatigable, Opposition of the Secretary of the Land Office and the Board of Property; and in the next Session with the assistance of Mr. Cox, the predecessor of the present Secretary, and a Justice of the peace, Evan Owen, a Bill to repeal that provision was introduced, carried thro' the House of Representatives, attended with circumstances out of Doors of insidious manoeuvring and rancorous falsehood against the Commission, and myself in particular, that have turned out disgraceful to those only who were concerned in their propagation. I was easy as to my own Character and the fate of the Bill. If the Legislature were artfully drawn into Measures wavering and indecisive, and induced One year to adopt a System and the next to abandon it that was not your Character. I was persuaded that if they passed a law impairing a solemn Compact, and committing the honour and fairness of the State, you would not commit your character by sanctioning such a proceeding. The Senate felt the same Sentiments; and I am persuaded that nothing but the most artful and insidious Misrepresentations could have prevailed over the good sense of the House of Representatives on this Occasion.

During this Discussion at Lancaster in $\frac{1801}{1802}$, $\frac{1802}{1803}$, it was impossible for the Sources of Opposition to be entirely concealed from Lord Butler and Rosewell Welles, the representatives of Luzerne, by whom I know it was believed, because it was expressed to me that the Views of the Gentlemen of the Land Office were to make the Certificates include the released parts of the lots, with a private view to the farther repeal of the Supplement, while the Settlers were required to give up their Deeds for the whole; thereby deceiving and defrauding the people by promising more than was ultimately meant to be performed; and my Colleagues have constantly repelled this Insinuation, by declaring that conduct so unfair could not be imputed to any part of the Government or its Agents, and that altho' the Land Office had required at first the released part of the land to be specified in the Certificate, it was not acceded to by us, because it was unnecessary to the title, and we had no Doubt the Patents would issue without it.

Our Objections to this were made in writing to Mr. Cochran

in March 23, 1803, nor from that time to this have I or my Colleagues deviated for a Moment from the Opinion then given, nor have I untill this Moment, nor do I at this Moment understand whether patents will issue without that Insertion or not.

In the mean time the minds of the People here are agitated, they do not come in to deposit their Connecticut Deeds as usual; numerous Contracts are made on the strength of our Certificates, which are not complied with since this Doubt hangs over them. The Half Share men, sneer at the Compromisers and say "we told you at first what all this would come to, that you never would get a title;" the State is liable to pay the Pennsylvania Claimant while the Board of Property cuts off the resources of the State, by stopping the payments into the treasury, and the salutary change of rich and peacable Germans in lieu of restless Connecticut holders, bound indeed strongly by their Interest, but slightly by their Inclination, is unfortunately stopt. Under the Circumstances of Suspicion, which the Conduct of the Board of Property has so imprudently given Birth to, it will be in vain to think of settling the Dispute. Not a Soul will now purchase under a patent that contains the released land, for fear the future title should be confined to it, nor will a single Connecticut.

Yours, &c.,

THOMAS COOPER.

———

Case for the Attorney General's Opinion.

It appears by the Information of Daniel Brodhead and William Parsons, Two of His Majesties Justices of the Peace for the County of Northampton, that many Persons, the natural born Subjects of His Majesty, now residing in This and some of the Neighbouring Provinces, have openly declared their Intention in a Body to possess themselves of and settle upon a large Tract of Land in this Province, lying on the Sasquehanna River, and commonly called Wyomick, without any Lycense or Grant from our Honourable Proprietaries, or Authority from the Government, which Intention they have also declared they will carry into Execution this Spring. This Tract of Land has not yet been purchased of the Six Nation Indians, but has hitherto been reserved and is now used by them for their hunting Ground.

The Government of Pennsylvania, by their Treaties with those Indians, stand engaged not to permit any Persons to settle upon Lands within the Bounds of the Province that have

not been purchased from them. Hence it is apprehended those Indians may interpret such a Settlement a Violation of our Treaties, and may be induced to commit Hostilities that would be attended with consequences most dangerous at this Juncture.

Q. If any Persons give out in Speeches that they are going to possess themselves of this Tract of Land, and persuade Others to go with them, and are making Preparation to go accordingly: Or if they shall presume to go and settle there; Is it lawful for the Justice of the Peace to cause such Persons to be arrested and imprisoned?

To Enter upon and seize the Lands of the proprietaries, or others, without their permission, are Acts against the Laws, and manifest Breaches of the publick peace. Such Offences, by a Multitude, are of dangerous Example and highly penal, as they tend to Sedition and are likely to terminate in Capital Crimes.

If any person, by Words, or Actions, discover an Intention to disturb the publick peace, they may be Arrested and Imprisoned, until they give sufficient Security to keep the peace and be of good Behaviour.

Therefore, if it shall be made appear to any Justice of the peace, by Oath or Affirmation, that any persons have engaged themselves in the unlawful Design mentioned in the State of this Case, or have done any Acts tending to promote it, I am of Opinion it will be the Duty of such Justice to issue his Warrants to apprehend those persons, and upon their being Arrested, to commit them to Goal, unless they give securities to appear at the next Quarter Sessions to answer for their Offences and in the meantime to keep the peace and be of good Behaviour, such as the Justice, in his discretion, shall think reasonable.

TENCH FRANCIS.

18th March, 1754.

WILKES-BARRE.

JOSEPH KELLY.

Sub. 907. Oath filed.

Claims part of lot N°. 19 in the third Division, Viz: That part of said lot not claimed by Daniel Downing, jun^{r}., John Hollenback & Joseph Kelly Johnson.

See the Title of John & Matthias Hollenback in the late Commissioners' Books of titles for their claim to part of this lot for the title into James Shaw.

Deed 26 Nov^{r}., 1791. Con: £105.

James Shaw and Anna Shaw to Joseph Kelly for that part of Lot N°. 19 abuting north on land belonging to John Hollenback, and westerly on Mill Creek and Southerly on the public Land, &^{ca}.

N. B.—Out of this Joseph Kelly has sold to Daniel Downing jun^{r}., two pieces of land taken together containing 130 Acres, and one piece to Joseph Kelly Johnson containing five Acres.

Sub. 907. Oath filed.

Joseph Kelly as natural Guardian of his Grandson Joseph Kelly Johnson a Minor.

Claims for him five Acres of lot number 19 in the third division Adjoining Mill Creek.

See the title of Joseph Kelly on the preceeding page for his title to this lot.

Deed, 18th Ap^{r}., 1795. Con: love & affec^{n}., &c.

Joseph Kelly to Joseph Kelly Johnson, Beginning at the bank of the North east branch of Mill Creek on the north side of the public Land, running on a Northeasterly course by said Creek to the south line of Lands belonging to John Hollenback, thence easterly along said Hollenback's Land so far that a line run at right Angles southerly to intersect the line of the publick Land as to contain 5 Acres.

N. B.—It appears that afterwards Joseph Kelly sold to Dan^{l}. Downing, jun^{r}., the adjoining part of said Lot and the Survey thereof was made as the Road runs across said Lot and not at

right Angles as mentioned in the above Deed, and that a Certificate to said Downing has Issued by the former Board of Commissioners in that way, And as the value of this piece of Land is not lessoned thereby, the Commissioners have directed a Certificate to be made out conformable to the line between Downing and this lot as they have Established it.

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SAMUEL PEAS.

Claims 14 Acres & 138 perches of Meadow lot N°. 19.

See the title of Reuben Downing in the former Commissioners' books of Wilkesbarre titles for title of this lot into the heirs of Clement Daniels.

Office copy filed of the division of the real Estate of Clement Daniels, deceased, among his heirs in which Luceny Daniels now Luceny Downing, wife of Joel Downing, has set off to her 6 acres at the South west end of Meadow Lot N°. 19 joining southerly land of Charles Bennet, Westerly land of Salmon Daniels and Samuel Peas, northerly W^m^. Judd & Easterly the main road thro' Wilkesbarre.

Office copy filed, Joel Downing & Luceny Downing to Sam^l^. Peas for a piece of Meadow lot N°. 19 bounded south on Charles Bennet's Land, west on Lands of Salmon Daniels, North on M^r^. Judd, East on the main Road from Wilkesbarre to Hanover, to contain 6 Acres.

Claim for Another Piece.

Office copy filed of the Division of the real Estate of Clement Daniels, deceased, among his heirs, in which his Widow's dower is set off as follows: see the Deed below for the description.

Certificate and letter filed, That Salmon and Luceny were all the Children of Clement Daniels, deceased, and that Salmon died without Children, by which his sister Luceny became his heir.

Deed Jan^y^. 1^st^, 1808. con: other Lands.

Joel Downing and Luceny Downing to Sam^l^. Peas, Beginning on the north line of said lot at a corner of a piece of Land belonging to said Samuel Peas, thence on the north line of said lot to the Road that leads from Wilkesbarre to Cary Town, thence on said Road to land of Reuben Downing on said line a parrellel line with the aforesaid line back to the line of Samuel Peas, thence on Peas's land to the place of beginning, containing 12 Acres or thereabouts.

MATTHIAS HOLLENBACK.

Sub. 320.

Claims lot N°. 40 in the fourth Division.

See his title entered in the former Commissioner's book of titles for Wilkesbarre among his other titles.

HANOVER.

GEORGE FRAZEE.

Sub. 967.

Claims lot N°. 2 in the third Division in right of his Wife Elizabeth, late Elizabeth Franklin, and as agent for John Franklin and others, the heirs of John Franklin, dec^{d}.

Hanover list—Drawn by John Franklin.

Deposition filed of Phebe Young, That the Children of John Franklin were Hulda, Phebe, Betsy, Patty and John & that the present claimant Married Betsy one of the heirs of the said John Franklin, deceased.

ELIND R. WALLER.

Sub. 892. Oath filed.

Claims lot N°. 24 in the second Division.

Hanover List—Drawn by Hugh Coffran.

See the title of Lord Butler in the late Commissioners' book of titles for Hanover.

West. Records, page 519. James Lasley to Joseph Croker for the common or undivided Lands belonging to N°. 14. Deed dated 26 June, 1775. Con: £19.

Deed 23^{d} May, 1776. Con: £9.10.

Joseph Croker to Levi Spencer for the above right to the common Land belonging to N°. 14.

Deposition filed of Benjamin Cary, That Levi Spencer was killed in the Indian Battle in 1778 & he left no Children but left one brother, Jeremiah Spencer, and three Sisters; that the Sisters released their portion to their Brother Jeremiah. See the following Deeds.

Deed 16 July, 1793. Con: £6.

James Willard & Mary Willard to Jeremiah Spencer for all the right they have or ever had to two certain tracts of Land in Hanover.

Receipt 28th Apr., 1794.

Of Elijah Blackman & Abigail Blackman to Jeremiah Spencer for being in full of all Abigail's demands for Lands now lying in Susquehanna.

Receipt 7 June, 1794.

John Garret & Esther Garret to Jeremiah Spencer, in full of all demands for Lands belonging to Esther Garret lying in the Susquehanna.

Deed 12 Feby., 1807. Con: 70 Dls.

Jeremiah Spencer and Elisheba Spencer his Wife to Claimant for lot No. 24 in the Second Division of this Township.

GIDEON BALDWIN.

Sub. 446. Oath filed.

Claims half of the South east end of lot No. 7, in the first division of Hanover Township.

See the title of Richard Inman in the former Commissioners' book of titles in Hanover for this title into Gideon Baldwin.

Deed 30th Jany, 1793. Con: £50.

Gideon Baldwin to Gideon Baldwin, junr., for piece of Land on lot No. 7 in the first Division; joining west on Nathan Waller, north on No. 6, south on Caleb Spencer, containing 100 acres more or less.

MATTHIAS HOLLENBACK.

Sub. 836. Oath filed.

Claims lot No. 15 in the third Division.

See this title in the former Commissioners' books of titles of Hanover in the claim of Napthali Hurlbut.

NEWPORT TOWNSHIP.

CORNELIUS BELLES.

Sub. 658.

Claims lot N°. 6 in the second Division of lots in Newport Township.

See the title of Matthew Covell in the late Commissioners' book of title of Newport.

Deed 9 Nov^r., 1801. Con: 130 Dls.

Matthew Covell to Henry Bennet for this lot.

Deed 5 March, 1802. Con: 300 Dls.

Henry Bennet to Claimant for the same lot.

WILLIAM BELLESFELT.

Sub. 806.

Claims lot N°. 14 in the second tier of the first Division of lots in Newport.

See the title of Henry Bennet in the former Commissioners' Book of titles in Newport.

Office copy filed. Henry Bennet to William Bellesfelt for lot N°. 14 in the second tier of the first Division Dated the 5th March, 1802. Consideration £62. 10.

ABRAHAM SMITH.

Sub. 187.

Claims lot N°. 7 in the Second tier, first division. This title was made out and entered in the former Commissioners' book of titles of Newport Township; but no Certificate was granted as was returned, belonging to a non-resident right. Under the last Supplement to the Act of 1799 this was one of the special cases alluded to in that Supplement and therefore the Commissioners deem this a good title.

ELEAZER DANA.

Sub. 1003.

Claims lot N°. 22 in the second Division.

See the title of Martin Vandine in the former Commss^rs book of titles of Newport Township for Anderson Dana's title to this lot.

Deed 27 Sep^r., 1794. Con.

Anderson Dana to Claimant for this lot.

Sub. 273.

Joseph Reader in trust for the heirs of Adrian Lines, deceased, Viz: Conrad Lines, Samuel Lines, Abraham Lines, Rachel Lines & Clary Lines. Claims a Lot being the 100 Acre lot belonging to N°. 48 in the third Division.

See in the former Commissioners' book of titles for Newport, where the title is made out for 100 Acre lot of N°. 48 in the third division.

Note.—The Town Book of Newport being produced, & Jonathan Smith, town Clark, also appeared to explain. It appears that there are two lots belonging to N°. 48 in the third division, viz: one 100 Acre lot & another of 50 Acres to make up the quantity of 150 Acres to this number.

Deed 10 May, 1802. Con: £50.

Daniel M^cMullen to Joseph Reader and the children of Adrian Lines, deceased.

Deed 25 Jan^y., 1808. Con: £5.

Joseph Reader to Conrad, Samuel, Abraham, Rachel & Clary Lines, children of Adrian Lines, deceased.

Deed 25 Jan^y., 1808. Con: £5.

Henry Fritz to Samuel, Conrad, Abraham, Rachel and Clary Lines, Children of Abraham Lines, deceased.

NATHAN KINGSLEY.

Sub. 976. Oath filed.

Claims lot N°. 27 in the second Division and lot N°. 53 in the third Division.

Newport List—Drawn by John Hagaman.

Deposition filed of Mason F. Alden, That before the War John Hagaman & William Andern one together, one half right or 300 acres, which was laid out in Newport, but deponent cannot recollect the number of the lots: but recollects that after the right was entered Andern sold his part of said right to Nathan Kingsley & deponent has always considered the said Lands among the lots set in the list to John Hagaman and that Andern has always been considered by deponent as Owning lands in Newport.

West. Rec^{d}., page 1245.

William Andern to Nathan Kingsley for one right of Land laid out in Newport Township. Deed dated 26 March, 1774. Con: £50.

JOHN JACOBS, Jun^{r}.

Sub. 290. Oath filed.

Claims a 50 Acre lot being part of lot N^{o}. 48 in the third division. for James M^{c}Mullen, George M^{c}Mullen, Betsy Konglin wife of Jacob Konglin and in right of Elenor the Wife of Claimant.

See the title of Joseph Reader in the former Commissioners' Book of titles of Newport Township for this title into Daniel M^{c}Mullen; see also Joseph Reader title for the heirs of Adrian Lines in page 13 of this book in explanation of this title.

See deposition filed that the above named James, George, Betsy & Elenor are all the Children of Daniel M^{c}Mullen, Deceased.

CHRISTIAN SARVER.

Sub. 58.

Claims Lot N^{o}. 19 in the Second Division.

Newport List—Drawn by Ephraim Harris.

Office Copy filed of a Deed from Andrew Alden to William Hyde, dated Nov. 20th, 1795 Con: $100 for Lots N^{o} 19 & 38 in the second division.

Deed 5 Apr^{l}., 1796. Con: £15.

William Hyde to Benjamin Perry for Lot N^{o}. 19 in the second Division to contain 100 Acres.

Deed 3 Sep^{t}., 1801. Con: 200 Dls.

Benjamin Perry to Claimant for lot N°. 19 in the Second Division to contain 100 Acres.

SALEM TOWNSHIP.

MICHAEL SYBERT.

Sub. 428. Oath filed.

Claims lot N°. 4 in the second division of this Township.

See his title entered in the former Commissioners' book of titles of Salem Township.

On Application to the former Board of Commissioners it was alledged that the Claimant held this Land under a Pennsylvania title and therefore this claim for that reason was rejected, but it now appears from the Statement of Alexander Jameson, Esquire, one of the town Committee, that a considerable portion of this lot, is not included in the Pennsylvania claim refered to by the former Board, and is therefore admitted by the present Commissioners.

HONTETER SYBERT.

Sub. 428. Oath filed.

Claims lot N°. 14 in the second division.

See his title entered in the former Commissioners' book of titles of Salem Township.

This title Stands under the same circumstances of the above title of Michael Sybert, and is now admitted for the same reasons.

Sub. 1032.

Samuel Blight by his Attorney Thomas Dyer, Claims lot N°. 37 in the third Division.

Power of Attorney, Samuel Blight to Thomas Dyer.

Salem list—Drawn by the Reverend Stephen White.

See the title of Martin Hirt and of John Abbot in the former Commissioners' books of titles for Salem Township.

Deposition filed of Thomas Dyer, That Mary, Lydia, Susanna John, Elisha & Sally are the Names of all the children of Stephen White, deceased, to the best of his knowledge and that he has been Acquainted with the family of the said Stephen White.

Deed 27 Febr., 1801. Con: 200 Dls.

Mary White, Lydia Elderkin, Susanna White, John White, Elisha White & Sally White, heirs to Stephen White, decd., to Samuel Blight for this among other lots.

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Sub. 1023.

Jabez Adams by his Attr. Thomas Dyer, Esquire, Claims the one-half of Lot No. 18 in the third Division.

See the title of Joseph Parks in the former Commissioners' Books of titles in Salem Township, for the title of Claimant to this half Lot.

Power of Attorney dated Decber., 1803, Jabez Adams to Thomas Dyer.

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Sub. 953.

William Howard, James Howard, Nathan Howard and Vine Howard by their Attr Alexander Jameson.

Claims lots No. 7 in the second Division and No. 27 in the third Division.

Salem List—Drawn by Capt. John Howard.

See power of Atty. filed.

See Certificate filed of Wm. J. Williams, Clk of Probate dated probate Office, Windham District, 9th March, 1808, of an Extract from the Will of John Howard, decd., devising the above Lands to his Sons William Howard $\frac{1}{4}$, to James Howard $\frac{1}{4}$, to Nathan Howard $\frac{1}{4}$, and to his three grand children, children of his son John Howard $\frac{1}{4}$.

Certificate filed of Justice Moseley of Hampton, in the State of Connecticut, that the Male heirs of John Howard were John the Younger, William, James and Nathan, That John the Younger has deceased and left only one heir, namely Vine Howard.

Sub. 955.

James Howard by his Atty. Alexander Jameson Claims lot N°. 13 in the third Division.

Salem List.—Drawn by James Howard.

ALEXANDER JAMESON.

Sub. 898.

Claims Lot N°. 39 in the third Division.

Salem list—Drawn by Jeremiah Ross.

See in the former Commissioners' Books of titles of Salem Township for the title to this Lot into Thomas Parks.

Power of Attorney filed of Thomas Parks to Putnam Catlin, Dated 7 June, 1796.

Deed 25 March, 1808. Con: 10 Dls.

Putnam Catlin to Claimant for this Lot.

HUNTINGTON TOWNSHIP.

THOMAS STEVENS.

Sub. 893. Oath filed.

Thomas Stevens, Attorney of Thomas Stevens who for himself and as Agent for the heirs of Thomas Stevens, Dec^{d}.

Claims Lots N°. 22 in the first Division,
N°. 49 in the Second Division &
N°. 34 in the third Division.

Huntington list—Drawn by Thomas Stevens.

Power of Attorney. Dated 12 June, 1807. Thomas Stevens for himself and Agent for the heirs of Thomas Stevens his father, dec^{d}., to Tho^{s}. Stevens to take the management of his Lands in Huntington.

GERSHOM HEWITT.

Sub. 704. Oath filed.

Thomas Stevens, Att^{y} in fact for Gershom Hewit. Claims lots N°. 45 and $\frac{2}{3}$ of N°. 52 both in the third Division.

See the titles of Elijah Goodwin, Sebastian Sybert, Thomas Dodson and Nathan Munro in the former Commissioners' book of titles in Huntington Township.

Power of Attorney, Dated 11 June, 1807.

Gershom Hewit to Thomas Stevens to recover and take care of his Lands in the County of Luzerne for himself and as Agent and parent of Benjamin Hewit, Gershom Hewit, junr., John Stannard and Hepsibeth his wife, Anthony Horseford and Sarah his wife and Anna Hewit.

———

TRUEMAN MUNROE.

Sub. 933.

Claims one third of Lots N°. 9 & 38 in the third Division.

See the Titles of Ransford Hoyt in the former Commissioners' Book of titles in Huntington.

Deed 6th July, 1807. Con: 40 Dollars.

Stephen Hoyt and Ransford Hoyt to Claimant for all their right, title, claim and demand to these lots.

N. B. —By referring to the title of Ransford Hoyt as above it will appear that Ransford & Stephen Hoyt were each entitled to one third of these Lots. The Claimant has received the Certificate of the former Board for Ransford's Share and he now Claims a Certificate for Stephen's share, being one third.

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ABRAHAM WOOLIEVER.

Sub. 1013.

Claims lot N°. 47 in the third Division.

Huntington list—Drawn by John Ferry on John Hubbard's right.

Deed 15 October, 1796. Con: 80 Dollars.

John Ferry to Joseph Clerk Ferry for Lot N°. 47 in the third Division of Lands in Huntington, containing 100 Acres.

Deed 3 Febr., 1801. Con: 250 Dls.

Joseph C. Ferry to David Kinney for the same lot as above mentioned.

Deed 13 Octr., 1801. Con: 35 Dls.

David Kinny to Claimant for the same Lot of Land.

Sub. 944. Oath filed.

Abiel Fellows & Stephen Harrison, Town Committee.

Claims Lot N°. 13 in the second Division & lot N°. 24 in the third Division.

Huntington List Lot N°. 13 drawn as a Parsonage Lot.
N°. 24 drawn as a School lot.

See Huntington titles under the former Commissioners for a Certificate that Said Fellows & Harrison are the Town Committee.

STEPHEN HARRISON.

Sub. 1008. Oath filed.

Claims lots N°. 35 in the first Division N°. 3 in the second Division and N°. 8 in the third Division for the Heirs of John Franklin, Deceased.

Huntington List—Drawn by John Williams.

West. Rec^{d} page 997. John Williams to John Franklin for two whole rights or Shares of Land in the Township of Huntington, in Westmoreland, and by first division lots laid out by N°. 35 & 51.

N. B.—John Franklin, one of the heirs, appears before the Board of Commissioners and suggests that his Father John Franklin did Sell lot N°. 35 in the first Division, to one Peter Fundy many years ago, and therefore the Commissioners will Issue no Certificate for lot N°. 35 in the first Division to Claimants.

JOHN FRANKLIN.

Sub. 1044. Oath filed.

Claims lots N°. 18 in the second Division & N°. 11 in the third Division.

Huntington List—Drawn by John Franklin.

West. Rec^{d}, page 46. John Franklin to Claimant for half of Lot N°. 19 & 20 and the After Divisions of lot N°. 20.

Office Copy filed. John Franklin to his Son Billa Franklin for the above Claimed Lands, Luzerne Records, Book N°. 5, page 45. Deed dated 23 June, 1797. Con: Affection, &^{ca}.

Deed 10 July, 1807. Con: other Lands.

Billa Franklin to present Claimant for the same Lands (being a reconveyance).

JOHN RHODES & JOHN DODSON.

Sub. 1004.

Claims ninety-seven Acres and ninety-nine perches part of Lots N°. 19 & 20 in the first Division.
Claim for half Lot N°. 19.

Huntington list—Drawn by John Ferry.

Book produced of Susquehanna Company Records, page 3, John Ferry and John Ferry, jun^{r}., to John Franklin for lot N°. 19 in the first Division. Deed dated 15 July, 1776. Con: other Lands.
For the rest of the title into John Franklin see the title of said Franklin on the preceding page.

Deed 30 Sep^{t}., 1807. Con: 300 Dollars.

John Franklin to Claimants for that part of Lot N°. 19 & 20 in the first Division, lying West of the Road or Highway, running North & South, containing by the last Survey 97 ^{a}. 99 ^{p}. with the Usual Allowance.

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PHILIP GOSS.

Sub. 481. Oath filed.

Claims one Seventh undivided part of lot N°. 33 in the third Division.
See his title for the other part in the former Commissioners' book of Titles in Huntington.

Deed 28th Sep^{t}., 1807. Con: 20 Dols.

Nathaniel Goss to Philip Goss for all his title to the above Lot.

PLYMOUTH TOWNSHIP.

THOMAS WRIGHT.

Sub. 90.

Claims lot N°. 25 in the fifth Division of this Township.

It appears to the present Board of Commissioners that there has been a mistake in his title in the former Commissioners' Book of titles for Plymouth, as it respects lot N°. 25 in the fourth Division; by refering to the title of Joel & Anna Camp in the last mentioned titles, the Title of Thomas Wright will be explained, and the said Thomas Wright has returned his Certificate for the lot in the fourth Division, which is claimed by Samuel Heath. See his title, page 42 of this Book.

Deed of Assignment, 5 Feb^{y}., 1806.

Joel and Anna Camp for a^{ll} this lot except 75 Acres.

Deed of Assignment, 25th March, 1807.

Noah Wadhams to Thomas Wright for the Same.

ABRAHAM NISBIT.

Sub. 365.

Claims lot N°. 16 in the fifth Division.

See his title in the former Commissioners' Books, in which this lot has been overlooked.

Sub. 346. Oath filed.

Samuel Heath for the heirs of Thomas Heath, deceased.

Claims Six ninths undivided of Lot N°. 25 in the 4th Division and N°. 13 in the fifth Division.

See the title for the heirs of Thomas Heath in the former Commissioners' book of title of Plymouth in which the title to these Lots are Stated, but by mistake a Certificate was Issued to Thomas Wright for lot N°. 25 which is now returned to the Commissioners.

SAMUEL HEATH.

Sub. 346. Oath filed.

Claims three-Ninths undivided parts of Lot N°. 25 in the fourth Division, and of Lot N°. 13 in the fifth Division.

See the title of the Heirs of Thomas Heath as in the above title.

Claims One-ninth as one of the Heirs of Thomas Heath, Dec^{d}., and one-ninth as follows:

Deed 11 Oct^{r}., 1806. Con^{s}: 50 Dls.

John Heath to Samuel Heath for all his right to the Lands of his father Thomas Heath, Dec^{d}.

And one-ninth more as follows:

Deed 10 June, 1803. Con: 54 Dls.

Amos Roberts and Mary Roberts for all their right to the Lands of Thomas Heath, dec^{d}. This compleats the $\frac{3}{9}$.

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LEVI BRUNSON.

Sub. 922.

Claims Lot N°. 2 in the fifth Division.

See the title of David Reynolds in the former Commissioners' Book of Titles in Plymouth for David Reynolds' title to this lot.

Deed July 8th, 1807. Con: free gift.

David Reynolds to Levi Brunson for this Lot, containing by estimation 150 Acres.

N. B.—This Lot was Certified by mistake by the former Board to George P. Ransom, but is now given up by him as he claims no title thereto

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PETER STEEL, junr.

Sub. 931.

Claims two equal undivided fifth parts of lot N°. 27 in the fifth Division.

See in the former Commissioners' book of titles in Plymouth the title of William Baker and Daniel Ayres & also the title of William Baker for the title of William Baker to this lot.

Deed 13th Jan., 1803. Con: 20 Dls.

William Baker And Wife to Claimant for two-fifths, equal undivided parts.

JOSIAH IVES.

Claims 1 Acre and 150 perches of House lot N°. 1, upper tier.

See the title of John Pierce for part of the same Lot to John N. Wooley.

Deed 26 March, 1791. Con: £14.

John N. Wooley to Claimant, beginning at a Stake the N. W. corner of Meadow Lot N°. 1 and the S. E. corner of House lot N°. 1 on the highway between Kingston and Plymouth, and running southwesterly with the line of the said Meadow lots 10 perches to the S. E. corner of Lot N°. 2, then running the full breadth of 10 perches of said house lot N°. 1 N. 3½ W. between Lot N°. 2 and the said highway thirty-one perches to a Stake, Containing one Acre and one hundred and fifty perches.

JOSEPH REYNOLDS.

Sub. 1018.

Claims the Northwesterly half of Lot N°. 51, in the fifth Division.

See the Title of Levi Brunson for the other half in the former Commissioners' book of titles in Plymouth for which the title is made out compleat in the Claimant.

JOSHUA & BENAJAH FULLER.

Sub. 150.

Claims lot N°. 26 in the fifth Division.

Plymouth List—Drawn by Enos Gale.

The rest of this title delay'd to be produced before the Commission Closed; these are in the hands of Claimant.

LAWRENCE MYERS.

Sub. 913. Oath filed..

Claims Seven Acres more or less, being part of Lots N°. 6, 7, & 8, upper tier of Meadow lots.

See the titles of Lawrence Myers in the former Commissioners' books of titles for Plymouth, as also the title of Nathan Parrish in the same book.

Deed 6 Aug^{t}., 1807. Con: 97 Dls. 11 Cents.

James Wheeler, Sheriff, (Seized as the property of Nathan Parrish), to Claimant for a parcel of Land situate in Plymouth Township, bounded as follows: On lands of Darius Williams on the West, by the River Susquehanna on the South and on the Creek, commonly called the Island Creek on the East and North, containing 7 acres more or less

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SARAH GRUBB

Sub. 1012. Oath filed.

Claims parts of House Lots N°. 1, 2, 3, 4, & 5 and lots N°. 41 & 42 in the third Division.

Claim for House lot N°. 1:

See the title of John Pierce in the former Commissioners' book of titles in Plymouth, where it appears that the title was in Ebenezer Parrish for this lot.

Claim for part of House lot N°. 2:

See the title of Darius Williams in the former Commissioners' book of titles in Plymouth, as also the title of John Joseph, same book, where it appears that the title of this also was in Ebenezer Parrish.

Claim for part of House lots 3, 4 & 5:

See the title of Darius Williams in the former Commissioners' book of titles in Plymouth for the title of Nathan Parrish to these lots of Land.

Deed 9th Ap., 1793. Con: £50.

Nathan Parrish to Peter Grubb for part of house lots N° 3, 4 & 5, containing 14 acres more or less, Beginning on the West

side of the highway that runs thro' the middle of said House lots on the north line of House lot N°. 3, thence running on the west side of said Highway 20 rods to a boundary near the corner of Aaron Dean's House, thence N. 34 W. 16 rods, thence S. 63 W. 10 rods, thence N. 34 W. 60 rods, thence N. 53 E. 30 rods and thence to the first bounds, & one other piece of Land in the third Division N°. 8 Joining Land of John Wooley, containing 50 acres more or less.

Deed 4 October, 1739. Con: 50£.

Ebenezer Parrish to Peter Grubb for part of House lots N°. 1 & 2, Beginning at the highway that passes by the house I now live in to Plymouth Town, thence running on the northerly line of House lot N°. 1 and Southerly line of House lot N°. 2 to the line between the house lots and the third division lots, estimated at 10 Acres more or less.

Claim for lot N°. 4 in the third Division:

Plymouth list—Drawn by Abraham Brokaw.

See the title of Samuel Lucas in the former Commissioners book of titles in Plymouth for this lot in Lawrence Myers.

See deposition of Lawrence Myers that in his deed to Ebenezer Parrish for part of house lot N°. 10 was included a conveyance for lot N°. 41 in the third division

Deed 7 May, 1794. Con: £23.

Ebenezer Parrish to Peter Grubb for Lot N°. 41 in Plymouth, in the third division, containing 36 Acres more or less.

Claim for Lot N°. 42 in the third Division:

Plymouth List—Drawn by Zebulon Butler.

Deed 4 Jany., 1791. Con: £25.

Zebulon Butler to Peter Grubb for Lot N°. 42 in the third Division, containing about 36 Acres, more or less.

Deed 24 Nov., 1803. Con: £280.

Benjamin Dorrance, Sheriff of Luzerne County, to William Crabb for the following described tract of Land, Situate in Plymouth Township, bounded northerly on the public highway between Kingston and Plymouth, Southerly on Lands of Aaron Dean, containing about 85 Acres.

Deed 19 Aug^{t}., 1807. Con: 401 Dls. 15 Cents.

William Crabb to Claimant for the Land last described.

JOSHUA PUGH.

Sub. 1048.

Claims lot N°. 12 in the fifth Division.

Plymouth list—Drawn by Abraham Brokaw.

Office copy filed. Abraham Brokaw to Lawrence Myers for lot N°. 12 in the fifth Division. Deed dated June 26th, 1793. Con: £116 for this among other Lands.

Office copy filed. Lawrence Myers to Samuel Allen for the same lot. Deed dated February 3d, 1795. Con: other Lands.

Deed 1 March, 1801. Con: 93 Dls.

Samuel Allen to John Bidlack for the same Lot of Land.

Deed 24 Oct^r., 1807. Con: 46 Dls.

John Bidlack to Claimant for this Lot.

———

THOMAS CAS

Sub. 1048.

Claims one-third (33 Acres Set off) of Lot N°. 6 in the fifth Division.

Plymouth List—Drawn by David Marvin.

See the title of Samuel Pringle in the former Commissioners' book of titles in Plymouth for part of the title of this lot.

Office copy filed. Zerah & Matthew Marvin to Samuel Pringle for one-third of the fifth division lot N°. 6. Deed dated May the 16th, 1798. Con: 130 Dls.

Deed 27 June 1801. Com: 33 Dls.

Samuel Pringle to John Bidlack for one-third of this lot, that part joining on Bedford Line and the back line of the Town at right Angles across said lot and to contain 33 Acres, more or less. Deed 24 Oct^r., 1807. Con: 46 Dls.

John Bidlack to Claimant for the Same.

———

BENAJAH FULLER.

Sub. 376. Oath filed.

Claims lot N°. 34 in the fifth Division.

Plymouth List Set to Isaac Van Campen.

See in the former Commissioners' book of titles of Plymouth, in the title of Charles Barney the Deed from Isaac Van Campen to Robert Faulkner for the whole right.

Deed 14 Apr., 1794. Con: £18.

Robert Faulkner to Samuel Allen for lot N°. 34 in the fifth Division.

Deed 16 May, 1796. Con: £40.

Samuel Allen to Eden Ruggles for the same lot.

Deed 9 Nov., 1807. Con: £149.

Eden Ruggles to Benajah Fuller for the Same.

———

LUKE SWEATLAND.

Sub. 907.

Claims Lot N°. 23 in the fifth Division.
See in the former Commissioners' book of Plymouth Titles, the title of Samuel Lucas for this title into Claimant.

Deed 12 Feby., 1795. Con: £15.

Samuel Allen to Claimant for this lot, See the Deed and endorsement by way of affidavit thereon, by Samuel Allen as to the Identity of the Lot.

———

JOHN LOMERAUX.

Sub. 964.

Claims lot N°. 8 in the Fifth Division.
See the title of Joshua Bennet in the former Commissioners' book of titles in Plymouth.

Deed 24 Oct., 1807. Con: 200 Dls.

Joshua Bennet to Philemon Bidlack for this lot.

Deed 20 Nov., 1807 Con: 200 Dls.

Philemon Bidlack to Claimant for this lot.

———

Sub. 1012. Oath filed.

Sarah Grubb widow of Peter Grubb, deceased, in trust for his heirs.

Claims two-thirds of Lot N°. 1, in the fourth Division.

See in the former Commissioners' book of Plymouth Titles, the title of this lot into Arnold Colt.

Deed 16 March, 1793. Con: £20.

Arnold Colt to Peter Grubb for two-thirds of Lot N°. 1 in the fourth Division.

Sub. 34. Oath filed.

Noah Wadhams & Calvin Wadhams, Executors of Noah Wadhams, deceased.

Claims in trust for the Heirs of said Deceased, two-thirds of Lot Number 32, in the fifth Division, undivided.

See in the former Commissioners' book of Plymouth titles, among Noah Wadham's titles, the title for this Lot in him.

Office Copy filed being an extract of the Will of the said dec^{d}. Noah Wadhams appointing the Above Noah and Calvin Executors of the said Noah.

KINGSTON TOWNSHIP.

ELIJAH SHOEMAKER.

Sub. 3.

Claims House lot N°. 37.

Kingston List—Drawn by John Dorrance.

Office Copy filed. John Dorrance to Benjamin Dorrance for Specified Lots and for all other Lands of the said John Dorrance owned by him in the County of Luzerne. Deed dated Ap^{r}. 7th, 1799.

Deed 30 June, 1807. Con: 40 Dls.

Benjamin Dorrance to Claimant for House Lot N°. 37.

LAWRENCE MYERS, Esqui
Town Committee.

Sub. 989.

Claims Seven pieces of Public Land, Viz:

One piece adjoining Abigail Harris and the Susquehanna River, one other piece adjoining John Gore, the Susquehanna River and the town plot; Another piece adjoining the Road and Elijah Shoemaker and the Town plot; Another piece adjoining the Town plot, Abigail Harris and the public Road, and another piece adjoining Philip Myers, Town plot and William Treeks, &c. Also the Mile Lot Situate between Lots N°. 4 & 5 first in the fourth division.

SARAH GRUBB,
Widow of Peter Grubb, Esquire, deceased

Sub. 991. Oath filed.

Claims in trust for the Heirs of the Said Peter Grubb, dec^{d}., Six Acres and thirty-three Perches of Lot N°. 1 in the 3^{d} Division.

See in the former Commissioners' book of Titles in Kingston in the title of John Pierce the title into Darius Williams.

Deed 12th March, 1792. Con: £30.

Darius Williams to Peter Grubb for a certain part of lot N°. 1 in the third Divis^{n}.

Begining at a Stake and Stones in the Highway between Plymouth and Kingston near the West end of the upper tier of House Lots in said Plymouth and running with the Road across said Lot to the partition between lots N°. 1 & 2, Thence the full breadth of said Lot Southeasterly between the line of said Lots and the highway between Plymouth and Kingston, aforesaid, so far as to Contain ten Acres. Out of this Peter Grubb, Esq^{r}., aforesaid, Sold to Arthur Eyke 4 ^{as}. 103 ^{ps}.

See in the former Commissioners' book of titles for Kingston, Christian G. Ochmeg.

Deed Nov^{r}. 13th, 1807. Con: £8.

Christian G. Ochmig to the Heirs of Peter Grubb, dec^{d}., for one Acre & Seventy two perches of the same Land back again.

BENJAMIN DORRANCE.

Sub. 989.

Claims on behalf of the Proprietors of Kingston Township, a strip of Land between Lots N°. 16 and 17 in the fourth Division.

See Benjamin Newberry's Survey of this lot filed in the rough minutes of this title.

Certificate filed of Philip Myers, Town Clk, that at a Meeting of the Proprietors of Kingston, held at the House of Philip Myers, on the fourth day of December, 1807, it was voted that Benjamin Dorrance be Authorized to apply to the Commissioners for a tract of Land in trust for the Township of Kingston, which said tract or piece of Land was heretofore Voted to Benjamin Carpenter, Esq^{r}.

BENJAMIN DORRANCE.

Sub. 998.

Claims 43 Acres and 48 perches of Lot N°. 37 in the third Division.

Kingston List—Drawn to the right of Ozias Gale.

West. Rec^{d}., page 623. Ozias Gale to Justus Gaylord for one hundred Acres of his right in Kingston.

Quantity and Quality. Deed dated 19 May, 1774. Con: doing the duties of a Settler.

West. Recd., page 773. Justus Gaylord to Peter Low for a quarter part of a back lot drafted by Ozias Gale. Deed dated the 19 June, 1777. Con: £40 L. M

Deed 1 March, 1808. Con: 40 Dollars.

Cornelius Low, Peter Hornback and his wife, Mariah Hornback, Samuel Low, Cornelius Swarthout & Sarah his Wife to Claimant, for all their Lands lying in Kingston.

See deposition filed of Henry T. Osterhout, That Cornelius Low, Samuel Low & Mariah Low, now the Wife of Peter Hornback, and Sarah Low, now the Wife of Cornelius Swarthout, are all the Heirs of the said Peter Low, deceased. The same attested to by James Gardner.

PITTSTOWN TOWNSHIP.

JOHN PHILIPS.

Sub. 550.

Claims Lot N°. 35 in the last or second Division of 100 Acre Lots of Pittstown.

Pittstown List—Drawn by John Cary.

Deed 13 Aug^{t}., 1807. Con: 5 Cents.

John Cary to Claimant for this Lot.

ASA DIMOCK.

Sub. 738. Oath filed.

Claims Lot N°. 67 in the first Division of 100 Acre Lots. N°. 3 in the Second Division of 100 Acre Lots. N°. 33 of the Meadow Lots. N°. 31 of the Pine Lots.

Pittstown list—Drawn by Joseph Fish.

Deed 14 March, 1808. Con: 128 Dollars.

Joseph Fish to Claimant for all his Claim to a certain Proprietors' right of Land in the Township of Pittstown.

HULDA BILLINGS.

Sub. 902. Oath filed.

Widow of Ransley Billings, deceased, claims as natural Guardian for the heirs of said Ransley Billings, Viz: Jasper, Phebe, Daniel, Betsy, Caleb, George & Polly Billings. The half of Lot N°. 1 in the first division of 100 Acre Lots.

See in the former Commissioners' book of Pittstown titles the title of John Cortright for the title into Sam^{l}. Billings.

See Office Copy filed of the Order of the Orphans' Court to George Cooper and Cam Billings' Administrators to the Estate of Samuel Billings to Sell the real Estate of Samuel Billings, deceased.

Deed 17 Janʸ., 1801. Con: 127 Dollars.

Cain Billings and George Cooper to Increase Billings for the said lot containing 50 Acres bounded Southerly on the Wilkesbarre Town line, &c., as the Estate of Samuel Billings, decᵈ.

Deed 18 March, 1801. Con: Love & good Will.

Increase Billings to Ransley Billings for the half of the said Lot.

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Sub. 992. Oath filed.

William Slocum, William Searle and Isaac Wilson, Committee of the Proprietors of said Township, Claims Lots Nº. 13, 14, 16, 17, 18, 19, 20, 21 & 22 in the second or last division of hundred Acre Lots.

See Pittstown list of Lots and Sambourne Draft of Pittstown by which it appears these lots appears still remains undivided among the Proprietors.

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Sub. 992. Oath filed.

William Slocum, William Searle and Isaac Wilson, Committee of Public Lands in said Township, Claims lots Nº. 10 & 40 in the second or last Division of 100 Acre Lots, also lot Nº. 66 in the first division of 100 Acre lots and Nº. 36, 37 & 38 of Pine lots.

Pittstown list—Drawn as public rights.

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Sub. 566. Oath filed.

Reuben Taylor, Executor of Constant Searle, Esqʳ., Deceᵈ. Claims for the heirs of said deceased about one Acre of Land of what is called the Fort lots.

See the title of Amos Fell in the former Commissioners' book of titles in Pittstown.

Deed 9 April, 1803. Con: 27 Dls. 25 C.

Benjamin Dorrance, Esquire, Sheriff, to Constant Searle, for about one Acre, adjoining land of Robert Faulkner on the South, the river Susquehannah on the West and land of Miner Searle on the North and the highway on the East.

INSIGN MILLER.

Sub. 510. Oath filed.

Claims pine lot N°. 10.

Pittstown list—Drawn by Barnabas Cary.

Deposition filed of John Cary that his father Barnabas Cary was the proprietor of pine lot N°. 10 and that he Sold it to Samuel Miller and received his pay for it, & a Deed was wrote to be executed but thro' some accident the Deed was not signed when the said Barnabas, dec'd.

Deed 7th May, 1807. Cons 12 Dls.

Samuel Miller to Claimant for this lot.

PROVIDENCE TOWNSHIP.

Sub. 545.

John Philips, Attorney for the heirs of Joseph Yeomans.

Claims as Agent on behalf of the heirs of the said Joseph Yeomans, late of South Carolina, deceased, lot N°. 18 in this Township.

Providence list—Drawn by Philip Windermood.

Power of Attorney—Philip Windermood to Leonard Windermood to Sell this lot, &c.

Deed 4th Febv., 1796. Con: 10 Dls.

Leonard Windermood, Atty of Philip Windermood, to James Bagley, for lot N°. 18 in Providence, containing 300 Acres, more or less.

Deed 7 July 1796. Con: 400 Dls.

James Bagley to Joseph Yeomans for the above lot, containing 400 Acres, &c.

Letter filed of Robert Bagshaw to John Philips, dated at Charlestown, South Carolina, 10 April, 1807, Stating that the Widow of Joseph Yeomans is now his Wife, and requesting the Claimant to take care of their Land for them and to endeavour to obtain a title for it. This letter is also signed Eliza Bagshaw, late Eliza Yeomans.

THOMAS WRIGHT.

Sub. 819.

Claims lot N°. 42.

Providence list—Drawn by Jabez Sill.

Office copy filed. Jabez Sill to Shadrack Sill for a right of Land in Providence Township, Lot N°. 42, containing 400 acres. Deed dated June 17th, 1788. Con: £300.

Deed 6 Octo^{r}., 1803. Con: £100.

Shadrack Sill to Claimant for the Same lot.

———

JONATHAN DEAN.

Sub. 1002.

Claims part of Lot N°. 17 in Providence all that remains after 225 Acres sold to Nathan Roberts off the southeasterly end are taken off, for which see his title in the former Commissioners' book of titles in Providence.

Providence List—Drawn for Ezra Dean by Asa Upson.

Deed 13 Sep^{t}., 1793. Con: £120.

Ezra Dean to Jonathan Dean. Beginning easterly on the River called Cowpows or Lackawana River, and is lot N°. 17.

———

EBENEZER SLOCUM.

Sub. 626.

Claims 50 Acres of Lot N°. 24 at the Northwestmost Corner.

See the titles of William Case, John Hollenback and Joseph Horsefield, in the former Commissioners' book of titles of Providence Township.

Deed 1 Feb^{y}., 1802. Con: £50.

Putnam Catlin to Claimant for 50 Acres to be measured off at the Westerly corner of said lot joining the Township line on the North and the Lackawana River on the West, extending half the width of the Lot so far back as to include 50 Acres adjoining the Lackawana.

EXETER TOWNSHIP.

SAMUEL PEAS.

Sub. 943.

Claims 300 Acres without N°.

See the title of Thomas Mann, page — of this book for the deposition of Benjamin Newberry as to Stephen Gardner's right to this Land.

Deed 6 Jan^{y}., 1795. Con: £100.

Stephen Gardner to Samuel Peas for a certain Tract or lot of Land lying and being in the Township of Exeter, and is bounded as follows: Beginning at a Stake and stones at the southwest of William Harding's Land, thence running E. 20 S. by the Widow Newberry s land 115 rods to a white Oak tree standing at the southwest corner of Joseph Black's land, Thence N. 300 rods to a Chestnut tree, thence N. 20 E. 160 rods to a Stake, thence West 20 N. 115 rods to the Town line, thence S. 20. 20 West to William Harding's land, thence E. 20 S. 100 rods to a Stake, thence S. 20 W. by said Harding's land to the place of Beginning, containing three hundred Acres.

See the Deposition filed of Stephen Gardner, of the interruption of the Settlement of Exeter Township by the Indian War, &c^{a}.

JOSEPH SCOTT.

Sub. 518. Oath filed.

Executor of John Scott, deceased, in trust for his heirs, Claim 119 Acres and 120 perches of Land in Exeter.

Examine this title.

Title not compleated.

THOMAS MANN.

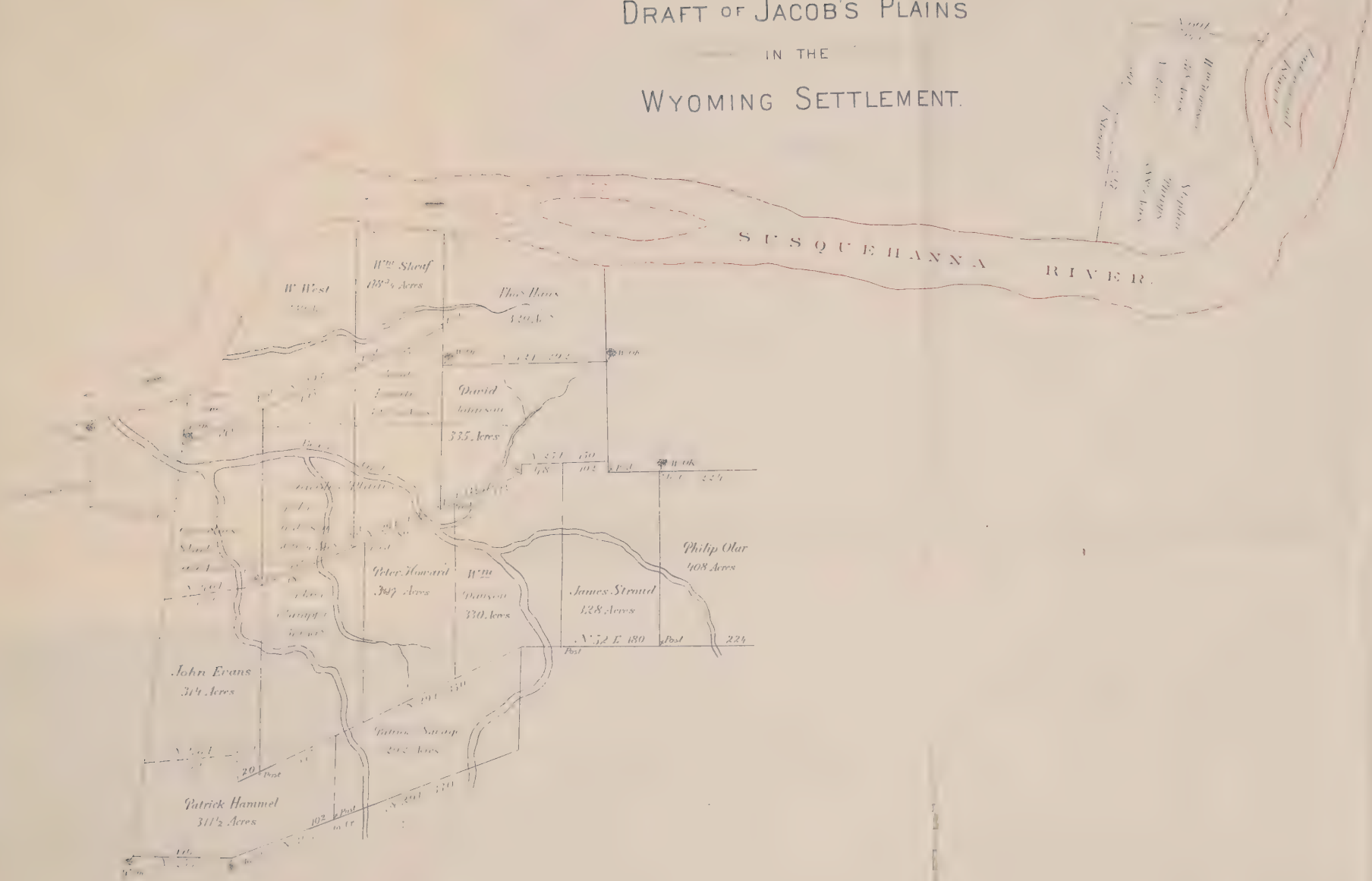
Claims 100 Acres.

See the title of Samuel Peas, page 83, for the same Original right.

DRAFT OF JACOB'S PLAINS

IN THE

WYOMING SETTLEMENT.



Deposition filed of Benjamin Newberry, Esquire, that he had a Certificate in his possession Certifying that Stephen Gardner was admitted a proprietor in Exeter, which Certificate was signed by Zebulon Butler and one other of the Susquehannah Company's Committee, and also a survey of the Land. Signed by John Jenkins and that deponant went with said Gardner and found some of the lines and corners of said land.

Office Copy filed. Stephen Gardner to William Harding, for a Lot of which this is a part.

Deed 19 June, 1798. Con: £84.

William Harding to William Wilmott for a certain parcel of Land in Exeter, Beginning at a Stake and Stones standing in a line of Land belonging to the Widow Newberry, thence running W. 19¼ N. 100 rods to a stake, Standing in the West line of the Township of Exeter, thence N. 19½ E. 160 rods to a Stake and Stones, thence E. 19½ S. 100 rods to a Stake, thence S. 19½ W. 160 rods to the first mentioned Bounds, contain[s] 100 Acres.

Deed 15 Ap[r]., 1800. Con: 250 Dls.

William Wilmott to Isaac Finch and James Parmerly for the above described lot.

Deed 24 June, 1800. Con: 120 Dls.

James Parmerly to Isaac Finch for his part to the same.

Deed 7 Ap[r]., 1802. Con: 120 Dls.

Isaac Finch to Claimant for a part of this lot.

Two Deeds 5 Ap[r]., 1802. Con: 60 Dolls. each.

Isaac Finch to Reuben Culver for two Separate pieces of the Same of 25 acres each.

Deed 10 March, 1806. Con: 120 Dls.

Reuben Culver to Claimant for the two 25 acre tracts which makes the whole of the 100 Acres in Thomas Mann.

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Sub. 1006.

Jonathan Dean in trust for the heirs of Ezra Dean, deceased. Claims lot N°. 37 in Exeter.

Exeter list—Drawn by Ezra Dean.

EBENEZER WILLIAMS.

Sub. 698. Oath filed.

Claims that part of Lot N°. 20 not heretofore certificated to Joseph Daily.

See the title of Ebenezer Williams in the former Commissioners' book of titles of Exeter, in which there is a title in the said Williams for half of 50 Acres of said lot, and the other half of the said part of said lot remains in Comfort Shaw, jun^{r}.

Deed 21 March, 1808. Con: 83 Dls.

Comfort Shaw, jun^{r}., to Claimant, a quit-claim for all his right in said Lot.

———

GILBERT CARPENTER, jun^{r}.

Sub. 945.

Claims lot N°. 38.

Exeter List—Drawn by Jonathan Dean.

Deed 23, 1805. Con: 50 Dls.

Jonathan Dean to James Sutton for a tract of Land, bounded easterly partly on David Smith, Southerly on Ezra Dean and is the second lot from Kingston North line, containing by estimation 300 Acres.

Deed 20, 1805. Con: 100 Dls.

James Sutton to Gilbert Carpenter, jun^{r}., for the same lot of Land.

———

STEPHEN JENKINS.

Sub. 1000. Oath filed.

Claims part of lots 6 & 7 in said Township.

See the title of Thomas Jenkins in the former Commissioners' Books of Exeter titles as to the consentable Division of the real Estate of John Jenkins, deceased, among his Heirs.

See deposition filed of John Harding that Stephen Jenkins was entitled as one of the heirs aforesaid to a division of said Lands, that he has been and now is in peaceable possession thereof.

See a description of the Land Claimed from the Survey of Benjamin Newberry as follows, Beginning, &c^{a}.

See in the title of Miner Searls in Exeter titles for this title in Davis Dimock.

Deed 20th Nov., 1797. Con: 200 Dls.

Davis Dimock to Stephen Jenkins for a part of Lot N°. 6 and was a division Lot which fell to Benjamin Jenkins by heirship one equal half of 100 Acres, cuting the Lot in two in the middle, dividing to the said Stephen the Southeast end bounded on the Susquehannah River.

BENJAMIN PERRY.

Sub: 943. Oath filed.

Claims two pieces of Land in this Township, one containing 100 Acres more or less, one containing 50 Acres more or less.

Claim for the 100 Acre Tract.

See the title of Samuel Peas filed that he sold about 120 Acres of the tract he owned in Exeter to Benjª. Gardner, According to the Boundaries of the following Deed from James Wheeler, Shff. to Claimant.

Deed 26 Janʸ., 1805. Con: inter alia 90 Dls.

James Wheeler, Esqr., Sheriff of Luzerne County to Claimant, Beginning at a post in the Town line between Exeter and Northmoreland, thence N. 20 E. 151 rods to a post in the line between Exeter and Northmoreland and Standing on the north side of a Hill near Hadley's creek, so called, thence E. 20 S. 156 rods to a white Ash tree, being the N. W. corner of Abner Tuttle's Land, thence S. 33 W. 143 rods to a Chestnut tree marked, thence W. 20 N. 115 rods to the first mentioned bounds, containing 100 Acres more or less.

Claim for the 50 Acre Lot.

See a deposition of Elisha Harding, Esquire, that this lot was given to his father in addition to his lot, to make his lot equal with others, That his father gave this lot to his Son Stuckley. That Stuckley was killed by the Indians & left one Son, Stephen, and that Stephen Sold this lot to Joel Atherton.

Deed 26th Janʸ., 1805. Con: (inter alia) 9 Dls.

James Wheeler, Esquire, Sheriff of Luzerne County, to Claimant, bounded N. & W. on James Sutton's Land, South on Land of John McMillen & E. on land of Thomas Harding, containing about 50 acres more or less..

NORTHMORELAND TOWNSHIP.

ELISHA ATHERTON.

Sub. 25. Oath filed.

Claims lot N°. 14 (lying in two parts) in the fifth Division.
Northmoreland list Set to James Atherton.
See the title of David Skeels in the former Commissioners' book of titles of Northmoreland for the Will of James Atherton divising this Lot to his son Elisha Atherton the Claimant.

JACOB PATRICK.

Sub. 896. Oath filed.

Claims Lots N°. 21 & 22 double tier.
Northmoreland List, Lots N°. 21 & 22 in the double tier set to Jacob Patrick as Proprietor on the old List.

Sub. 1014. Oath filed.

Ameriah Winchester, by his Attorney Belding Sweatland, Claims in behalf of his Wife and the other heirs of Benjamin Follet, deceased, Lot N°. 8 in the fifth tier and N°. 27 in the Double tier.

Northmoreland List—Drawn by Benjamin Follet's heirs.

Power of Attorney, 10th Sept., 1807.

Ameriah Winchester to Belding Sweatland to take care and obtain a Patent for his Land in Northmoreland.

PUTNAM TOWNSHIP.

COMFORT SHAW.

Sub. 903. Oath filed.

Claims Lots N°. 2 & 4 in that Township.
See his claim in the former Commissioners' Book of Title of Putnam, where the title is made out complete, but no Certificate Issued for want of an Application. See Application under the last Act.

BENJAMIN BUDD.

Sub. 948.

Claims 119 as. 135 ps. part of Lot N°. 48.
Putnam List—Drawn by Elijah Oakley.

Deed 7 Apr., 1798. Con: £24.

Elijah Oakley to John Rosecrants for one equal half of this Lot.

Deed 7 July, 1803. Con: 133 Dls.

John Rosecrants to Benjamin Budd for a piece of Land Situate in the Township of Putnam and is one equal fourth part of Lot N°. 48. Beginning at a White Oak Post, Standing at the Southeasterly corner of Lands, sold by me to Jonathan Strickland, and on the line of Lands belonging to Caleb Bates's heirs, And from thence by and with said line S. 76 E. 117 Perches and twenty and a half Links, to a yellow pine Tree, marked for the Southerly corner of Lot N°. 48, Thence N. 27 E. 164 perches, thence N. 80½ W. 117 perches and 20½ links to a chestnut tree marked, and from thence S. 27° W. 160 perches to the first mentioned Bounds containing 119 acres & 135 Perches, more or less.

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DANIEL ROSECRANTS.

Sub. 905. Oath filed.

Claims part of Lots N°. 38, 39 & 40.
Putnam List, Lots N°. 38 & 39 Drawn by John Stafford.
N°. 40 Drawn by Zebulon Marcy.

Office copy filed. Zebulon Marcy to John Stafford for Lots N°. 38 & 40. Joining the River on the Easterly and Southerly side and Lands of the said Stafford on the West and Bensley Hunt on the North, containing 300 Acres be the Same more or less. Deed dated March 15th, 1794. Con: £45.

Deposition filed of Andrew Ames, That John Stafford before his decease divided his Lands amongst his children, and gave his son David his share of Land now claimed by Daniel Rosecrants, agreeably to a Second Survey made by Zebulon Marcy, Esqr., And deponant further Saith that he has been informed by all the heirs present at the division that they were Satisfied, and he has never heard any reason for their being dissatisfied.

Deposition filed of Andrew Ames, That John Stafford divided his Lands among his Children, seven of them were present and

Six agreed to the division, the seventh being not of age, & that he never has heard of any of the heirs being dissatisfied with the Division.

Deposition filed of Abigail Stafford, widow of John Stafford, who says she Always understood the heirs of John Stafford were fully satisfied with the Division of her Husband.

Deposition filed of John Rosecrants of the Heirs aforesaid taking possession of their Allotments, according to the division made by him in his lifetime.

Deed 15 March, 1802. Con: 700 Dls.

David Stafford and Polly his wife to Daniel Rosecrants the claimant, for a certain lot or parcel of Land lying on the Neck called horse shoe Neck, in the Town district of Tunkhannock, County of Luzerne, containing 170 Acres and bounded as follows: Beginning on the Bank of the River Susquehannah and the line of James Osbourn at a Chestnut Saplin, and thence by and running with the line of the said Osbourn to lands of John Rosecrants, thence by and with said Rosecrants line across said lot to Land of Aaron Arnold and thence running by and with said Arnold, to the River, and thence to the place of beginning.

— —

JOHN ROSECRANTS.

Sub. 929. Oath filed.

Claims lot N°. 37 (Secord's Island) supposed to contain 300 Acres.

Putnam List—Drawn by John P. Schott.

Deed 25, 1793. Con: £100.

John P. Schott and Naomy his wife, to Belding Sweetland, for a tract of Land called Seacords' Island, containing 300 Acres, more or less.

Deed 11 March, 1800. Con: £500.

Belding Sweetland to Claimant for a Tract of Land called Seacord's Island, and is N°. 37, containing 300 Acres more or less.

— —

ISAAC ROSECRANTS.

Sub. 912. Oath filed.

Claims part of Lots N°. 38, 39 & 40, containing 300 Acres.

See the title of Daniel Rosecrants page 114 for the Original title of John Stafford.

Office copy filed. John Stafford to Aaron Arnold for 300 Acres (including the Land in the two following Deeds mentioned). Deed dated 28 August, 1797. Con: 350 Dls.

Deed 18 Janr., 1798. Con: parental affn.

Aaron Arnold to George Arnold for a certain Tract or piece of Land in Putnam, butted & bounded as followeth: Beginning at the Susquehanna River at Andrew Ames's South East corner bound, Thence running Westerly by and With Said Ames's Land to Land of Belden Sweetland, thence Southerly by and with said Sweetland Lands till it comes to one-half way to David Stafford's Land, thence running easterly to the Susquehanna River, to the middle of the line of my Land on said River, thence running Northerly by and with said River to the first mentioned bounds, It being one-half of that Tract of Land I bought of John Stafford. It is estimated at 150 acres of Land with a Dwelling House and Shop thereon Standing.

Deed 19th Febr., 1802. Con: making him a more Comfortable Settlement.

Aaron Arnold to George Arnold for a certain Tract or piece of Land (in Putnam) and is butted and bounded as follows, Beginning at the Susquehanna River at the South East corner of George Arnold's other Land, and from thence running by and with his other Lands Westerly to Land of John Rosecrants, thence Southerly by and with Rosecrants' Land to Land of David Stafford, thence running Easterly by and with David Stafford's Land, to the Susquehanna River, Thence running Northerly by and with said River to the first mentioned bounds, it being a Part of three Lots known by lots N°. 38, 39 & 40, containing 150 Acres of Land and is the whole of the Land I own in the said Town.

Deed 20 June, 1806. Con: 770 Dls.

George Arnold to Isaac Rosecrants and John Rosecrants, junr., for a certain Lot, Tract or parcel of Land with the buildings, improvements, priviledges, &ca., thereto belonging, Situate in Tunkhannock, and on the Neck called Horse shoe neck and bounded as follows: (Including the whole of the Lands mentioned to be contained in the two Aforesaid Deeds) containing 300 Acres.

Deed 27 July, 1807. Con: 385 Dollars.

John Rosecrants, junr., to claimant for his half of the above mentioned Tract of Land.

JAMES STARK.

Sub. 915. Oath filed.

Claims about 232 Acres, being part of Lots N°. 38, 39 & 40.

See the title of Daniel Rosecrants, page 114, for the title on John Stafford and the deposition Ames and others for the Division of John Stafford of his Lands among his Children.

Deposition filed of Abigail Stafford the Widow of John Stafford, that she heard her Husband say he intended his son Amos Stafford should have the Land since Sold by Amos to James Stark in Putnam, and that she always has understood & believes that the Heirs of John Stafford, deceased, are fully Satisfied with the Division.

Deed 5th Janr., 1804. Con: 70 Dls.

Amos Stafford & Anna Stafford his wife to claimant for a certain Tract or parcel of Land, lying in the Neck of the River Susquehanna called Horse shoe neck, in the Town of Tunkhannock, containing 140 Acres, be the same more or less and bounded as follows: Beginning on the River Susquehanna, at the corner of the South East line of Lands claimed by James Osbourn and running Westerly with said River to a maple Stake and a corner of Lands claimed by Abraham Rosecrants, Then Northerly with said Rosecrants Land and Land claimed by John Rosecrants to the western corner of the aforesaid James Osbourn's Land, and thence easterly with said Osbourn's line to the place of Beginning, reserving the one-third, however, to the Widow Abigail Stafford, widow of John Stafford, the full Use of one-third during her Widowhood.

Deed 1 May, 1807. Con: 180 Dls.

Abraham Rosecrants to Claimant for a certain lot & parcel of Land lying on a neck called Horse shoe Neck, containing 50 Acres and bounded by the following lines, Beginning at a White Oak Sapling, Marked, and running thence 20 W. 160 rods to the bank of the River Susquehanna & on the line of John Rosecrants's land, thence along the bank of the River S. 20 W. 50 rods to the place of beginning.

Release 18 June, 1807.

Abigail Stafford to James Stark to apply and obtain a title in his own Name.

A further Claim for part of the Same lots See the title of John Love below.

Deed 3d Octbr, 1807. Con: 100 Dls.

John Love to Claimant bounded North on Daniel Rosecrants, West on John Rosecrants and South on Said James Stark, on the East by the Susquehanna River, containing about 42 Acres.

The title into John Love is as follow:

See the title of Daniel Rosecrants, page 114, for this title into John Stafford.

See the Deposition of Andrew Ames filed that there was a Mistake made in the division of John Stafford's Lands in the first Survey, and that the said John Stafford said he would give David Stafford a piece of Land above Henry Heis's Land to make up his complement of 200 acres, and deponant further saith David Stafford further told him that the said David had sold the above piece of Land to James Osbourn.

Deed 20 March, 1800. Con: 34ds. 50c.

John Stafford to Henry Heis for 15 Acres.

Deed 14 March, 1808. Con: 40 Dls.

John Stafford to Henry Heis for 10 Acres.

Deed 15 Decr., 1800. Con: 75 Dls.

Henry Heis to James Osbourn, junr., for 25 Acres.

Deed 30 Ocr., 1801. Con: 5 Dls.

David Stafford to James Osbourn, junr., for $3\frac{3}{4}$ more or less.

Deed 30 Octor., 1801. Consideration: 41 dls. 25 ct.

David Stafford to James Osbourn, junr., $12\frac{1}{2}$ Acres more or less.

Deed 1 Febr., 1807. Con: 121 Dollars.

James Osbourn, junr., to John Love for a certain Tract or parcel of Land lying on Horse shoe neck, &c., containing 42 Acres be the same more or less, and bounded as follows. Beginning at a Chestnut Tree on the Bank of the Susquehanna River, running S. 31 W. 37 perches and 6 links, thence N. 82 W. 63 perches, thence N. 31 E. 37 Perches and six links, to a black Oak Stake, Thence N. 85 W. 199 Perchs. 17 Links to the line of John Rosecrants, Seniors, Land, Thence by and with said Rosecrants's line, S. 19 W. 21 Perches 7 links to a white Oak Stake & Stones, thence S. 85 E. 218 perches to a small black Oak Stake on the Public Road, running along the aforesaid Neck, thence N. 21 East 11 perches & 5 links to a Small black Oak Stake on said Road, thence S. 82 E. 41 Ps. to the place of Beginning.

Sub.

Sylvester Dana by his Attorney Anderson Dana.
Claims lot N°. 41 in Putnam.

Putnam List—Drawn by Isaac Tripp, Esquire.

Copy of a Deed taken by Daniel Dana 7th August, 1797, and the said Anderson Dana, States that the Original Deed or any Record thereof cannot at present be found; the Copy is as follows:

Deed 5th Sepr., 1778. Con: £60 Law M.

Isaac Tripp to Isaac Kibbee for lot N°. 42 described as in the Deed below.

Extract from the Will of Isaac Kibbee, empowering his Executrix, Margaret Kibbee his wife, to sell such part of his real Estate, to pay his just Debts as will least injure his real Estate.

Deed 9 Febry., 1792. Con: £20.

Margaret Kibbee to Sylvester Dana for a certain right of Land lying in the Township of Putnam on the West side of Susquehanna River, Southerly on a lot of Land belonging or formerly belonging to Docr. Ephraim Bowan of Providence, in the State of Road Island, Westerly on the undivided Land, Northerly on land formerly or now owned by Joseph Lippit and partly on the Susquehanna River. It being a right of land purchased by Isaac Kibbee, deceased, of Isaac Tripp.

———

Sub. 948.

Benjamin Budd in trust for the Heirs of James Budd, decd.
Claims 125 Acres, part of Lot N°. 48.

Putnam List—Drawn by Elijah Oakley.

Deed 7 Apr., 1798. Con: £24.

Elijah Oakley to John Rosecrants for an equal half of said Lot.

Deed 29 Decr., 1802. Con: £12.

John Rosecrants, junr., to Jonathan Strickland for one-half of his right to half of Lot N°. 48 and that half where said Rosecrants now lives, or that part lying next to the River.

Deed 6 August, 1803. Con: 75 Dollars.

Jonathan Strickland to James Budd, bounded as follows, being & lying in the Township of Putnam, being the one-fourth part of Lot N°. 48, Supposed to contain 125 Acres, be the Same more or less, formerly owned by John Rosecrants, junr., & the House & the Improvements where Rosecrants lived.

BENJAMIN EARL.

Sub. 1011. Oath filed.

Claims part of Lot N°. 30.

See the Title of John McCord in the former Commissioners' Book of Titles of Putnam, for this title into John Stafford.

Deed 20 Janʸ., 1801. Con: £24.

John Stafford to Aaron Taylor for part of lot N°. 30, beginning at a log Bridge where the Road crosses said lot raising a Square across said Lot west of said Bridge, thence West taking in the Weadth of said Lot and including all the lot West of said Bridge.

Assignment Oct 17th, 1806.

Aaron Taylor to Claimant.

JOHN CARNEY.

Sub. 962.

Claims Lot N°. 53.

Certificate filed of Zebulon Marcey, Town Clark, That lot N°. 53 was drawn by Daniel Taylor, who withdrew his right on this Lot and had lot N°. 37 in the place thereof. Certificate dated Sept. 21st, 1807.

Certificate of Zebulon Marcey, Elisha Harding and John Harding, Town Committee, that John Carney hath had a regularly laid on lot N°. 53, and on which he has improved about 20 years.

MARSHALL DICKSON.

Sub. 963.

Claims lot N°. 49.

See Certificate filed of Zebulon Marcey, John Harding and Elisha Harding, Town Committee, Certifying that John Dickson was the Owner of Lot N°. 49 in the Township of Putnam.

Probate of the Will of John Dickson as follows, First, I give to my dear and loving Wife for the term of her life this House wherein I now dwell, with all the furniture & Lands and Tenements in lot N°. 49 in the abovesaid Township of Putnam above

or North of a Stream called South Branch and After Death to my three youngest Sons. The respect of Lot N°. 49 Southward of Said Stream or branch to my three youngest Sons, when my Creditors are all paid.

Deposition of Elisha Harding, Esquire, of said Township, That the Names of the three youngest Sons of John Dickson, Dec^{d}., are Joseph, Nathan & Lewis.

Deed 10 Dec^{r}., 1807. Con: 200 Dls.

Joseph Dickson and Nathan Dickson to Marshall Dickson for all their right to lot N°. 49.

Deed 6 Jan^{y}., 1808. Con^{s}: 800 Dls.

Lewis Dickson, and Hannah Dickson, Widow of John Dickson, Dec^{d}., to Claimant for their right to lands in Putnam, bounded North on the Town line, Easterly on the Town line, South on the Division line, Westerly on Land claimed by Isaac Slocum and Increase Billings.

ELIJAH CLARK.

Sub. 966. Oath filed.

Claims lot N°. 24 all but a small piece reserved by Zebulon Marcy, Esquire.

Putnam List—Drawn by Archibald Bowan.

Deposition filed of Claimant that he has made diligent Search for but cannot find the Deeds of the chain of title from Archibald Bowan to David Jayne, or any Record thereof.

Certificate filed of Thomas Graham, Recorder of Luzerne county, That there are no Deeds on record in his Office from Archibald Bowan to Caleb Bates or from Caleb Bates to John Honyop or from John Honyop to David Jayne.

Deposition filed of Hulda Bates, widow of Caleb Bates, That her Husband in his life time purchased lot N°. 24 of Archibald Bowan and conveyed the same to John Honyop, and has heard that Honyop conveyed to David Jayne.

Deposition filed of Elijah Oakley & Ebenezar Bartlet, That Lot N°. 24 in Putnam was sold by John Honyop to David Jayne.

Deposition filed of Zebulon Marcy, Esquire, that he knows lot N°. 24 was drawn by Archibald Bowan and sold by him by Deed to Caleb Bates & that said Bates by Deed conveyed the same to John Honyop and that the title passed from Honyop to David Jayne.

Deposition filed of Elisha Harding, Esq^r., That he knew that Possession had gone on with the above Claimants.

Deed 12 Aug^t., 1793. Con: £25.

David Jayne to Zebulon Marcy for Lot N°. 24.

Deed 9 Aug^t., 1800. Con: Val. Con.

Zebulon Marcy to Levi Decker for all lot N°. 24 except a small piece of said Lot lying and being Situate on the Southeasterly Side of Tunkhannock Creek.

Deed 30 October, 1806. Con: 490 Dls.

Levi Decker to Claimant for the above Lot.

———

ANDREW AMES.

Sub. 619. Oath filed.

Claims 200 Acres of Lots N°. 38, 39 & 40, in this Township.

See the title of Daniel Rosecrants, page 114, for this title into John Stafford to these Lots.

Deposition filed of John Stafford that his Father John Stafford Sold to Andrew Ames 150 acres of Land and gave him 50 Acres more adjoining the same and joining Lands now claimed by Abraham Vosby on the North, Isaac Rosecrants on the South, and the Susquehanna River, and that he has heard John Stafford the Elder say he was ready at any time to give said Ames a Deed for the above described Land.

———

STEPHEN JENKINS

Sub. 1000. Oath filed.

Claims part of Lot N°. 52 (all but 100 Acres). Entered on the Town list as original Proprietor of this Lot.

———

HULDA BATES.

Sub. 973. Oath filed.

Widow and Administratrix of Caleb Bates, deceased, on behalf of the heirs of said dece^d. Claims Lot N°. 18 & part of Lot N°. 48

Claim for lot N°. 18.

See Certificate filed of Zebulon Marcy, John Harding and Elisha Harding, Town Committee, Certifying That Caleb Bates was considered as the rightful Owner of Lot N°. 18 in the Township of Putnam & to the best of Our recollection it has been improved by him & his Heirs for about 17 years.

See also Certificate filed of Zebulon Marcy, Town Clk, that Caleb Bates was admitted in Putnam Township on Lot N°. 18.

Claim for half of Lot N°. 48.

Putnam list—Drawn by Elijah Oakley.

Deed 22d Sept., 1807. Con: 15 Dls.

Elijah Oakley to the Heirs of Caleb Bates, dec^{d}., for the full equal half of Lot N°. 48.

OBEDIAH TAYLOR.

Sub. 950. Oath filed.

Claims Lot N°. 47.

Putnam List—Drawn by Nathan Barlow.

Deed 9th Augt., 1793. Con: £9.

Nathan Barlow to Prince Perkins for this lot.

Deed 8 Febv., 1808. Con: 1 Dl.; exchange of Lands.

Prince Perkins to Weston Stephens for the Same Lot.

Deed 11 Nov., 1805. Con: 30 Dls.

Weston Stephens to Claimant for the above mentioned Lot.

BRAINTRIM TOWNSHIP.

AMBROSE GAYLORD.

Sub. 925. Oath filed.

Claims Lots N°. 15 & 17, also the back parts of Lots 28 and 29, Containing about 380 Acres.

Claim for lot N°. 15.

Braintrim list—Drawn by John Dorrance.

Deed 11 Sept., 1798 Con: £50.

John Dorrance to Claimant for Lots N°. 14 & 15. Supposed to contain 600 Acres, be the same more or less.

Claim for Lot N°. 17.

Braintrim list—Drawn by Lord Butler.

Deed 13 Aug^{t}., 1790. Con^{s}: £11 5^{s}.

Lord Butler to Claimant for Lot N°. 17 as set off to him, let the number be what it may be.

Claim for about 380 Acres of Lots N°. 28 & 29.

See the Claim of Luther Dean in the former Commissioners' book of titles of Braintrim where this claim is fully Shewn.

———

ELIZABETH VAN CAMP.

Sub. 1019. Oath filed.

Widow of Nicholas Depew, Claims as natural Guardian in trust for the Heirs of the said Nicholas Depew, dec^{d}., Lot N°. 16.

Braintrim List—Drawn by Nicholas Depew.

———

SAMUEL BAKER.

Sub. 1027. Oath filed.

Claims lots N°. 4 & 41.

Braintrim List—Drawn by Solomon Avery, but on the present lost of Settlers, both lots set to Claimant.

See the title of Joshua Keenny in the former Commissioners' book of titles of Braintrim, for the title to N°. 4 in Joshua Keenny.

Deed 10 Dec^{r}., 1792. Con: 75 Dls.

Joshua Keenny to Claimant for Lot N°. 4.

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Sub. 1033.

Eli Cloud claims half of Lot N°. 52 By his Attorney Josiah Fassett, Esquire.

Power of Attorney, Dated Dec^{r}. 3^{d}, 1805. Eli Cloud to Josiah Fassett.

Deed 20th Aug^{t}., 1799. Con: 150 Dls

Jonathan Stevens to Eli Cloud the right and Possession of the one-half of the Lot of Land Situate on the West side of the

Susquehanna River called Lot N°. 52. Beginning at a Basswood Tree on the bank of said River, marked, Thence S. 45 W. adjoining Lands belonging to Henry V. Champin, Esquire, 571 rods to a black Birch, marked with the aforesaid Number. Thence S. 45 E. 40 rods to a Hemlock Tree, Thence N. 45 E. 600 rods to a marked Hemlock on the River Bank, Thence up the said River to the place of Beginning, supposed to contain about 150 Acres more or less, reserving to myself out of the above described half Lot a piece of Land five rods in breadth, lines parrallel of and from the East corner of said half Lot, running from where the Road is Occupied to the aforesaid Lot on which I now live.

———

JONATHAN STEVENS.

Sub. 926. Oath filed.

Claims lots N°. 42, 46 & half of N°. 52.

Braintrim List—Drawn by Jonathan Stevens.

Of Lot N°. 52 he has sold half to Ely Cloud. See his title last page.

———

BENJAMIN DORRANCE.

Sub. 908.

Claims Lot N°. 45.

Braintrim List—Drawn by George Dorrance.

See his title to the Estate of George Dorrance, Dec^{d}., in the former Commissioners' Books of Titles in Kingston & Northmoreland.

———

JOSHUA KEENNY & JOSIAH FASSETT.

Sub. 1035.

Town Committee, Claims for said Township Lots N°. 3, 37 & 44 as public Lots of said Township.

Braintrim List Set down as Public Lots.

See Certificate filed of Asa Stevens, Moderator, and Josiah Fassett, Clk., P. T., Stating that at a meeting of the Proprietors of the Township of Braintrim, held the 29th day of 1807.

It was voted that Joshua Keenny and Josiah Fassett be appointed a Town Committee to apply for the public Land in the aforesaid Township and make out title to the same to the Commissioners under the Act of April 4th, 1799, and the Supplements thereto. Certificate dated August 29th, 1807.

ISAAC LACY.

Sub. 951. Oath filed.

Claims lot N°. 40.

Braintrim old List Drawn to Solomon Avery, but under the Township list of Settlers set to Claimant.

SPRINGFIELD TOWNSHIP.

MATTHIAS HOLLENBACK.

Sub. 368.

Claims the Undivided or Proprietary Land belonging to Lot N°. 33 being the undivided Land belonging to a Lot drawn by Amos York.

See the Title of M. Miner York in the former Commissioners' book of titles in Springfield.

Deed 22 March, 1805. Con: 10 Dls.

M. Miner York to James Elsworth for the Share of undivided Land belonging to N°. 33.

Deed 22 March, 1805. Con: 6 Dls.

James Elsworth to Thomas Wigton for the above described Land.

Deed 13 May, 1805. Con; 20 Dls.

Thomas Wigton to Matthias Hollenback for the above described Land.

ELEAZER BLACKMAN.

Sub. 880. Oath filed.

Claims the undivided Land belonging to lot or right N°. 22 & 30.

Springfield List. Rights N°. 22 & 30 Drawn by Elisha Blackman.

Deed 3 Jan^{y}., 1798. Con; 100 Dls.

Elisha Blackman to Claimant for all his undivided Land in the Township of Springfield be the same more or less.

———

JOSEPH INGHAM.

Sub. 941. Oath filed.

Claims lots N°. 8 & 9 in said Town and the undivided Land belonging to these two rights with the Island called Wyalusing Island.

Springfield List—Both numbers Drawn by Benjamin Eaton.

Office Copy filed. Benjamin Eaton to Isaac Benjamins for one lot containing 300 Acres of Land in a district that was laid out by Jeremiah Ross and Lieut. Wells on the South side of the Susquehanna River opposite Wyalusing, and is known by Hick's possession, also one other Lot on Wyalusing joining Eastward on William Dunn, &c^{a}., containing 450 Acres and a half right so called. Deed dated 31 August, 1787. Con: New York Currency.

Office copy filed. Isaac Benjamins and his wife Abigail Benjamins to Jonas Ingham for Lot N°. 8 with the Island called Wyalusing Island. Deed dated 4 September, 1789. Con: Among other Lands £400.

Deed 1 Aug^{t}., 1793. Con: £45.

Isaac Benjamins and Abigail Benjamins to Jonas Ingham for lot N°. 9 to contain 300 acres more or less.

Deed 24th October, 1794. Con: £166.10.

Jonas Ingham to Joseph Ingham for Lots N°. 8 & 9 with the Island called Wyalusing Island and Improvements, &c^{a}.

THOMAS WRIGHT.

Sub.

Claims 50 acres of Lot N°. 47.

Springfield List—Drawn by Elihu Williams.

See the Title of Humphrey Brown, page—, and the Title of Daniel Brown, page —, for the title into Daniel Brown.

Office copy filed. Daniel Brown to James Hinds for one certain Lot or piece of Land being part of Lot N°. 47. Beginning at a Stake in the New Road leading from Daniel Brown's to Joseph Stalford's, upon the line between lots Lots N°. 47 & 48, thence as the New road now runs 51 rods to a Stake on the north side of the Road, Thence N. 62½ W. again Beginning at the beginning corner, running N. 30 W. both these courses to extend far enough back from said Road to include fifty Acres of Land, being part of Lot N°. 47 which is the very piece of Land the said Hinds is now in possession of.

Deed 19 Apr., 1805. Con: £41.50.

James Wheeler, Sheriff, as the Property of James Hinds to Thomas Wright for a Tract of of Land, Situate in the Township of Springfield, Adjoining Lands of Gideon Baldwin, Northerly, on Lands of Daniel Brown, Southerly, containing 50 Acres more or less.

———

JOHN TAYLOR.

Sub. 330.

Claims ⅛ of Lot N°. 48.

See his Title in the former Commissioners' Book of Titles, Springfield.

———

ANDERSON DANA.

Sub.

Claims the Undivided Land belonging to right N°. 37 and half the right to N°. 18, for himself and in trust for Sylvester Dana & the Heirs of Azael Dana, dec^{d}.

Springfield List, Right N° 37, Drawn by Anderson Dana and N°. 18 Drawn by Anderson Dana & —— Hatch half claimed by Dana.

M. MINER YORK.

Sub.

In trust for William Smith, in right of his wife Esther. Claims about 52½ Acres of lot N°. 32.

See the titles of M. Miner York in the former Commissioners' book of Titles of Springfield in which this was set off by consentable Partition by the Heirs of Amos York to Esther York, now intermarried with William Smith.

———

DANIEL BROWN.

Sub. 957. Oath filed.

Claims Lot N°. 45 and part of N°. 47 & half of Lot N°. 50.
Claim for Lot N°. 45.

Springfield List—Drawn as a School Lot.

See in the former Commissioners' Book of Titles of Springfield, That this lot was exchanged by the Town for Lot N°. 36.

Deed 8 Jan^{y}., 1794. Con: £200.

Oliver Dodge, Justus Gaylord & Zachariah Price, Town Committee of Springfield, to Gideon Baldwin.

Deed 1 June, 1796. Con: £150.

Gideon Baldwin to Claimant for this Lot.
Claim for part of Lot N°. 47.

Springfield List—Drawn by Elishu Williams.

See the title of Humphrey Brown, page 157.

Deed 15th Feb^{y}, 1794. Con: £6.

Humphrey Brown to claimant for one-half of this Lot, out of which he has Sold 50 acres. See the claim of Thomas Wright, page 147.
Claim for one-half of Lot N°. 50 undivided.

Springfield List—Drawn by Bartholomew Weeks.

See the title of John Taylor in the former Commissioners' book of titles of Springfield, for the Heirs of Bartholomew Weeks.

Deed 18 N^{ov}. 1795. Con: £15.

Nathan & Elizabeth Waller, Thomas Weeks and Abigail Davidson to claimant for three -sixth parts of this Lot.

GUY WELLS.

Sub. 889. Oath filed.

Claims to northermost half of Lot N°. 28.
Springfield List Set to Amos Draper.

Bond 12th Sept^r., 1786.

Amos Draper to Warham Kingsley with penalty to make a Deed for said Lot.

See deposition filed of Guy Wells, Zachariah Price and Thomas Lewis, that a Deed was duly made and that the same is lost and cannot be found.

Deed 26 of May, 1787. Con: £50.

Warham Kingsley to Joseph Bostwick & Mary Lewis two-thirds to Bostwick & one-third to Mary Lewis.

Deed 7 Sep^t., 1788. Con: £33.

Joseph Bostwick to Zachariah Price for half of said Lot, lying in the following boundaries Viz: E. on the Town line, S. on Gordon's Land, W. on the common Land, N. on Land formerly Joseph Tyler's but now belonging to Thomas Lewis & Jared Tyler & Sherman Buck.

Deed 5 Dec^r., 1793. Con.

Zachariah Price & Ruth his wife for the Northern half of said Lot to Claimant as described above.

REUBEN WELLS.

Sub. 884. Oath filed.

Claims $\frac{1}{3}$ part of Lot N°. 29, also 100 acres of Lot N°. 28.
Claim for part of lot N°. 29.

See the title of Elijah Shoemaker in the Commissioners' Book of titles in Springfield (former Board) as to the right of Samuel Gordon and his conveyance to said Shoemaker.

Deed 30 June, 1800. Con: 100 Dls.

Elijah Shoemaker and his mother, Jane Blanchard, to Claimant for one-third of Lot N°. 29, being that part that the said Reuben is now in possession off (Ackley being in possession of the other two-thirds

Claim for 100 acres of Lot N°. 28.

Springfield List Set to Amos Draper.

See the title of Guy Wells last page for the title into Mary Lewis.

Deed 27 Feb^{y}., 1790. Con: £18.15.

Mary Lewis and Thomas Lewis to claimant for one-sixth part of this Lot to be divided according to Quality and Quantity.

See the title of Guy Wells on last page for another part of this lot into Joseph Bostwick.

See deposition of claimant filed that he has made diligent Search for a Deed from Joseph Bostwick to Samuel Prince.

See deposition filed of Thomas Lewis that there was a Deed from Joseph Bostwick to Samuel Prince.

See Certificate of Thomas Graham, recorder of Luzerne county, that there is no Such Deed on record.

Deed 30 Feb., 1791. Con: £12.

Samuel Prince to Abigail Wells, wife of Claimant, for one-fourth of two-thirds of one Right of Land lying in Springfield.

———

THOMAS LEWIS.

Sub. 885. Oath filed.

Claims lot N°. 27 and part of 28. Surveyed together by Westerly and Numbered on the Draft 27 and contains 306 ^{as}. 59 ^{ps}. and Allowance.

Claim for Lot N°. 27.

Springfield List Set to Ephraim Tyler.

See the depositions of Thomas Lewis, Nathan Kingsley and Joseph Elliott filed, that Ephraim Tyler conveyed this lot to Warham Kingsley about the year 1806, Which Deed is lost and after diligent Search cannot be found.

See Certificate filed that there is no such Deed on Record from Ephraim Tyler to Warham Kingsly from Thomas Graham, Recorder of Luzerne County.

Deed 12 Jan^{y}., 1789. Con: £150.

Warham Kingsly to Thomas Lewis, William S. Buck and Jared Tyrrell in equal Moieties, Viz, one-half to Thomas Lewis and the other half to Buck and Tyrrell.

Deed 26 Nov., 1790. Con: £20.

William S. Buck and his Wife Berintha to claimant for his fourth of said Lot.

Deed 16 March, 1807. Con: £15 L. M.

Jared Terrell to William S. Buck for one quarter of a Lot or Share of Land in Springfield, the same I bought in partnership with Said Buck and Thomas Lewis.

Deed Sep^{t}., 1792. Con: £30.

William S. Buck and his wife Berintha to claimant for the last mentioned fourth part of said Lot.

———

Sub. 999. Oath filed.

Job Terrill by his Att^{y} M. Miner York, claims 100 acres of Lot N^{o}. 7, also about 75 acres & 75 perches, being part of his division among the heirs of Amos York, dec^{d}., of Lands given them by Manasseth Miner, the father of Lucretia the widow of the said Amos York, Also about 25 acres of the Lot Joseph Town's Mill stands on.

Claim for 100 acres of lot N^{o}. 7.

Springfield list Set to William Churchill.

Deed 31 Oct^{r}., 1793. Con: £31 L. M.

William Churchill to Job Terrill.

Power of Attorney Job Terrill to M. Miner York to do what was needfull.

Claim for 75 ^{as}. 75 ^{ps}.

See in the Title of M. Miner York in the former Commissioners' Book of titles in Springfield, how this title originated, and the consentable division among the heirs of Amos York of the property given them by their Grandfather, Manasseth Miner, in which the Land here claimed was part of what was set off to Job Terrill and Kesiah his wife.

———

ONATHAN TERRY.

Sub.

Claims lots N^{o}. 14 & 15.

Springfield list Drawn by Benjamin Budd.

See the deposition of John Budd filed that his father Benjamin Budd made a Deed to Parshall Terry of his Lands in Springfield, he does not recollect the N^{os}. but believes it was for lots N^{o}. 14 & 15, and the half of another lot that was drawn by his Father. That deponant delivered the Deed to Jonathan Terry the claimant to be delivered to his father Parshall Terry.

See deposition filed of John Horton that about 12 years ago he saw a Deed in the possession of Parshall Terry for two lots and a half of Land in Springfield, the same lots whereon the said Parshall Terry now lives and where his Son Jonathan lives.

See also the deposition of Parshall Terry filed that the Deeds from Benjamin Budd to him was burnt in the House of Nathan Terry when that House was burnt.

See Certificate filed of Thomas Graham, recorder of Luzerne County, That there is no Deed on Record in his Office from Benjamin Budd to Parshall Terry.

Deed 30 July, 1807. Con: Love & Good Will.

Parshall Terry to Jonathan Terry the Claimant for these two Lots.

JOHN HORTON.

Sub. 888. Oath filed.

Claims that half of Lot N°. 16 joining on the River.

See the title of Jonathan Terry for this title into Parshall Terry.

Deed 18 Nov^r., 1807. Con: Agree^t. made 29 June, 1798.

Parshall Terry to Claimant for the equal Moiety of said lot N°. 16 joining on the River.

OLIVA CRAWFORD.

Sub. 972.

Claims part of Lot N°. 24 within the following boundaries. Beginning at a certain Stake & Stones at the South east corner of said Lot, thence running West about 56 rods to a certain Stake and Stones, Thence running northerly to a Stake on the Hill, towards the Town line, and as far on that course as the Town line shall extend, Thence running Easterly as far as said lot extends, Thence running Southeasterly to the first mentioned bounds.

Spingfield List—Drawn by Nathan Denison.

See in the former Commissioners' Book of Springfield titles in the title of Abigail Dodge for a Deed from Nathan Denison to Abigail Dodge for lot N°. 24.

Deed Jan^y. 2^d, 1808. Con: £33.

Abigail Dodge to Oliva Crawford for a part of Lot N°. 24 bounded Easterly on the undivided Land, Southerly on the Susquehanna River, Westerly on Humphrey Brown, Northerly on undivided Land.

THOMAS WILLIAM WIGTON.

Sub. 984. Oath filed.

Claims Lots N°. 20 & 21.

Springfield list—Drawn by Perrin Ross, both lots.

Deed 21 May, 1777. Con: £200.

Perrin Ross to Justus Gaylord.

Deed 19 Aug^{t}., 1799. Con: Good Will &^{c}.

Justus Gaylord to his Son Chancy Gaylord for lot N°. 20.

Deed 27 Dec^{r}., 1802. Con: $300.

Chancy Gaylrod to Benjamin Crawford for Lot N°. 20.

Office copy filed of the Orders of the Orphans' Court to Jonathan Terry to Sell the Land of Benjamin Crawford, deceased.

Deed 3 Aug^{t}., 1805. Con: 294 Dls.

Jonathan Terry as Administrator of Benj^{a}. Crawford, dec^{d}., to Justus Gaylord, jun^{r}., for Lot N°. 20.

Deed July 4th, 1807. Con: 300 Dls.

Justus Gaylord, jun^{r}., to claimant for Lot N°. 20.

Deed 24 Sep^{t}., 1807. Con: 200 Dls.

Justus Gaylord to claimant for Lot N°. 21.

HUMPHREY BROWN.

Sub. 960. Oath filed.

Claims Lot N°. 49, half of N°. 47 and parts of lots N°. 48 & 50.

Claim for Lot N°. 47.

Springfield List Set to Elihu Williams.

See the title of Darius Williams in the former Commissioners' book of titles of Plymouth, for Darius Williams' title to his father's rights.

Deed 24 Nov^{r}., 1807. Con: 25 Dollars.

Darius Williams to Humphrey Brown for all his right to a lot being the Same lot that Josiah Ives and Lucy his wife Deeded to claimant.

Deed 3 Decr. 1790. Con: £12

Josiah Ives and Lucy his wife (the said Lucy being one of the Heirs of Elihu Williams) to claimant for Lot N°. 47.

N. B.—Out of this Lot claimant has sold one-half to Dan Brown.

Claims $\frac{5}{6}$ of Lot N°. 48.

Springfield List—Set to Jonathan Weeks.

See in the former Commissioners' book of titles in Springfield for the title of John Taylor, in which it appears that Jonathan Weeks devised this lot to his three Daughters, Lydia, Abigail and Elizabeth, and that Elizabeth intermarried with Nathan Waller.

Deed 5th Janr., 1795. Con: £10.

Nathan and Elizabeth Waller to Gideon Baldwin for their right to said Lot.

Deed 23 Decr., 1794. Con: £10.

Gideon Baldwin to claimant for all his right to said Lot (by this conveyance he is intitled to $\frac{1}{3}$ of this lot.)

Deed 19 June, 1798. Con: 50 Dls.

John Taylor and Sarah his wife of $\frac{1}{6}$ of this lot to claimant, with the right of the proportion of the undivided Land.

See the right of John Taylor in the former Commissioners' book of titles of Springfield, by which it appears that the Said John & his Wife Sarah are entitled to $\frac{1}{6}$ part of this Lot. See also the right of Abigail Davidson in the Page.

Deed 20 Apr., 1795. Con: 80 Dls.

Abigail Davidson to claimant for her right being one-third of said Lot.

Which Compleats the title of $\frac{5}{6}$ of this Lo

Claim for Lot N°. 49.

See the title of David Richards in the Commissioners' former Book of Springfield titles for the chain of this title.

Deed 6 June, 1797. Con: £80.

Philip Weeks to Claimant for this Lot.

Claim for the $\frac{1}{12}$ part of Lot N°. 50.

See the title of John Taylor in the former Commissioners' book of titles in Springfield aforementioned.

Deed 19 June, 1798. Con: 50 Dls.

John Taylor and Sarah Taylor to claimant for $\frac{1}{12}$ of this Lot and that proportion of the Undivided Land.

CLAVERICK TOWNSHIP.

BENJAMIN DORRANCE.

Sub 900.

Claims an undivided Moiety of a certain part of the Township of Claverick.

See the Title of John Shepard for the title into Elihu Chancey Goodrich and his Deed for the one moiety in the late Commissioners' book of titles in Claverick.

See the copy of the Order of the Orphans' Court filed, Granting liberty to David Waterman, Administrator of Elihu Chancy Goodrich, dec^{d}., to Sell all the right to Lands that the said Goodrich had in Claverick.

Deed 10 March, 1807. Con: 450 Dls.

David Waterman, Administrator of Elihu Chancy Goodrich to claimant for all the equal Moiety with John Shepard that he holds by virtue of a purchase from Elihu Chancy Goodrich in the Township of Claverick, containing in the whole about 16,000 acres, be the same more or less.

APPENDIX.

Report of the Commissioners appointed by the act of Assembly, entitled "An act authorizing the division of Certain lands in the Township of Springfield, in the County of Bradford, passed the 8th of April, 1829."

Statement of rates adjusted in Allotment of Springfield by Comm^{s} under act passed for that purpose 8 April, 1829.

No.	Owners.	Third Rate.	Fourth Rate.	
1	Township Committee, ...	8 acres,	91. 76.8	1 share
2	Heirs of M. Hollenback, ...		96.161.4	1 share
3	" "		95.140.4	1 share

No.	Owners.	Third Rate.	Fourth Rate.	
4	Heirs of Joseph Ingham,		96. 99	1 share
5	Heirs of M. Hollenback,	8 acres,	88. 91	1 share
6	Anderson Dana,	8 acres,	86. 94	1 share
7	Heirs of M. Hollenback.	8 acres,	86. 74	1 share
8	" "	8 acres,	88. 11	1 share
9	" "		96. 01	1 share
10	" "		95.151	1 share
11	Joshua Keeney,		95.140	1 share
12	Heirs of M. Hollenback,		95.130	1 share
13	" "		97. 19	1 share
14	Heirs of Joseph Ingham,	8 acres,	88. 9	1 share
15	Heirs of M. Hollenback,	8 acres,	88.148	1 share
16	" "		99. 21	1 share
17	" "	8 acres,	89. 8	1 share
18	Township Committee,	8 acres,	89. 8	1 share
19	Heirs of M. Hollenback,		97.100	1 share
20	" "		96. 98	1 share
21	Anderson Dana,	4 acres,	44. 32	$\frac{1}{2}$ share
22	Heirs of John Taylor,		15. 80	$\frac{1}{6}$ share
23	Township Committee,	4 acres,	11. 75	Compris-
24	" "	4 acres,	85. 85	ing 1 share
25	Humphrey Brown,		27. 73	$\frac{1}{4}$ share
26	Nathaniel Terry,	24 acres,	263.107.3	3 shares

JOURNAL

OF THE

COMMISSIONERS

APPOINTED TO EXECUTE AN ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, ENTITLED AN ACT FOR THE PURPOSE OF ADJUSTING THE TITLES TO LANDS IN BEDFORD AND ULSTER TOWNSHIPS, IN

LUZERNE AND LYCOMING COUNTIES,

PASSED THE 19 DAY OF MARCH, 1810.

JOURNAL OF THE COMMISSIONERS.

The Governor of the Commonwealth of Pennsylvania having appointed and commissioned Isaac Smith of Lycoming County, Matthew Roberts of Montgomery county and George Harrison of Bucks County, Commissioners to execute an act of Assembly, entitled "an act for the purpose of adjusting the title to lands in Bedford and Ulster townships, in Luzerne and Lycoming Counties, passed the 19th day of March, 1810."

They, by previous arrangement, met at Williamsport, in Lycoming county, and took the oath of office, as prescribed by the ninth section of said act, before John Turk, Esqr., one of the Justices of the peace in said county. Whereupon the original commission was recorded in the Recorder's office of said county, and the original delivered to Isaac Smith, Esqr., one of said Commissioners.

The said Commissioners proceeded to the township of Ulster, where they commenced the business of their mission June the 11th, 1810.

William Wilson haveing been appointed surveyor on the fifth instant, took the oath prescribed by law, and his compensation was fixed at three dollars pr. day.

Neal McDuffee and Daniel McDuffee were appointed chain carriers, and their compensation fixed at Eighty-seven and half cents pr day each.

Francis Tyler was appointed marker, and his compensation fixed at Eighty-seven and an half cents pr day; all of whom were severally sworn, as the law directs, by George Harrison, one of the Commissioners.

From the best information that could be obtained by the Commissioners, relative to the situation of the township of Ulster, as originally granted, under the rules and regulations of the Connecticut Susquehannah company, in Lycoming county, from the examination of documents and verbal information it appeared that there was a grant by the committee of the Susquehannah company to Asabel Buck and others, in the year 1775; Beginning on the west side of the Susquehannah river, at two miles below the junction of the Tioga with the main branch, and extending west five miles, thence north

five miles, thence East five miles to the main river, thence down the same to the place of beginning; no survey or allotment was ever made in pursuance thereof; which grant was superceded by a second grant on the 12th day of September, 1785, but no survey or allotments being made under the same, the said second grant was superceded by grants for two townships, the one called Athens, which is dated the 9th day of May, 1786, and was surveyed and alloted in the fall of the same year, as follows (viz):

Beginning at a stake, marked, standing on the north line of the Susquehannah purchase, at one mile west of the Tioga branch, thence East on said line, crossing the Tioga and Susquehannah rivers, five miles to a pine tree, marked, thence south five miles to a black oak, marked, thence west five miles, crossing said Susquehannah river to a white oak, mark'd, thence north five miles to the place of beginning.

The other called the township of Ulster, which grant is dated the 21st day of July, 1786, and surveyed and allotted in the fall of the same year, And is as follows (viz): Beginning at a tree, marked, standing on the west side of the Susquehannah river opposite to the head of an Island about three quarters of a mile below the mouth of Tioga river, thence west two miles to a corner, thence south five miles to a corner, thence East five miles to a corner, thence north five miles to a corner, thence west three miles to the place of beginning. Whereby it appeared that the said townships of Athens and Ulster were surveyed and laid down on the tract of land which was partly covered by the original grant, and so much thereof as was allotted under the grants and surveys of the said townships, which haveing been made prior to the 28th day of March, 1787, was adjudged to fall within the provisions of the act of assembly.

June 12th.

The claimants not being able to procure the old grant of the township of Ulster at this time, by reason of its being heretofore delivered to Thomas Cooper, Esqr., one of the former Commissioners, the present Commissioners proceeded to ascertain the boundary lines of said township as originally granted by the Susquehannah company on the best information that could be obtained; several of the inhabitants attended and declared the place of beginning to be on the south side of the Tioga river, where the waters of that river and the Susquehannah river

form a junction, and from thence south two miles, thence west five miles, thence north five miles, thence east five miles, thence south three miles to the place of beginning, computed to contain sixteen thousand acres. The surveyór, by direction of the commissioners, proceeded to run the boundary lines accordingly. Haveing fixed the above mentioned bounds, or exterior lines of the old township of Ulster, the commissioners proceeded to give publick notice that they were ready to receive applications and evidence of title from the several claimants, which notice was in the following words:

Notice. All persons comeing within the provisions of an act of assembly of the commonwealth of Pennsylvania, entitled "An act for the purpose of adjusting the titles to lands in Bedford and Ulster townships in Luzerne and Lycoming Counties;" owning or claiming lands within the township of Ulster, as originally laid out under the rules and regulations of the Susquehannah Company, are hereby requested to lay their claims with all possible dispatch before the undersigned Commissioners appointed to execute said act. They are prepared at the house of Doct^r. Hopkins, in the town of Athens, to receive all such applications.

ISAAC SMITH,
MATTHEW ROBERTS,
GEORGE HARRISON,
Commissioners.

Athens, June 12th, 1810.

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June 13th.

Joseph Kingsbury was appointed Clerk to the commissioners, and took the oath of office administered by George Harrison in due form.

Elisha Satterlee made application, as Connecticutt claimant, for lot N°. 17 in the township of Old Ulster, containing one hundred acres, in the third division of lots in said town, and exhibited his title for the same, which was adjudged to be satisfactory.

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Surveyed June 14.

Stephen Hopkins made application as Connecticutt claimant for lot N°. 16 in the 3^d division of lots in the old township of Ulster, containing one hundred acres and exhibited his title for the same, which was adjudged to be satisfactory.

June 14th.

The lot in the 2d division, in the Possession of the Penna. claimant. The claim to the undivided right admitted, on the deposition of Col Franklin, as having been possessed prior to the 28th of March, 1787.

Elisha Saterlee made application, as Connecticutt claimant, for a lot of land in the township of old Ulster, in the second division of lots, the same originally drawn by Uriah Stephens, for which he exhibited a title. And also for the one fifty-third part of the undivided land attached to the right of the said Uriah Stephens, included in the same conveyance as exhibited for the above. Whereupon the surveyor and Commissioners proceeded to survey and examine the premises.

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This claim more fully established. See pages 23 & 24.

Abraham Snell made application, as a Connecticutt claimant for part of lot N°. 18 in the 3d division of lots in the township of old Ulster and drawn in the name of Oliver Bigelow, and said to be conveyed by him to Jacob Snell, and fell to the present applicant, partly by heirship and partly by purchase, and produced a title under the Connecticut Susquehannah Company, from Daniel Snell, one of the heirs to the estate of the said Jacob Snell; said deed bearing date June the 11th, 1805.

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Surveyed June 15.

Lockwood Smith made application as Connecticutt claimant, for lots N°. 4 & 5, as originally laid out in the old township of Ulster, his title derived from an old proprietors right in his own name entered in said township, which claim is fully established.

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Surveyed June 15.

William Curry applied as Connecticutt claimant for a part of lots N°. 8 & 9, laid out in the old township of Ulster, under a title derived from William & Elijah Buck, original proprietors, in said township purchase, by a regular conveyance, dated Febr. 5th, 1794, and June 15th, 1802, which claim is supported and admitted.

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Claim admitted. Surveyed June 18.

Daniel Miner, as Connecticutt claimant, made application for lots N°. 6 & 7, as originally laid out in the township of Ulster, on a claim derived on a title from Elijah Buck, an original proprietor, by deed dated Novr. 19th, 1792.

June 15th.

The claims of Lockwood Smith, William Curry and Daniel Miner, adjudged to be correct by the Commissioners, and the surveyor directed to survey the same, accompanied by the Commissioners for the purpose of classing and valuing the premises.

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Surveyed June 18. 37 acres 134 p^s. of this tract transferred by Elijah Buck to Daniel Miner, and surveyed to him July 4.

Elijah Buck made application, as Connecticutt claimant. for the remaining part of his land in the old township of Ulster not sold to William Curry and Daniel Miner; by the evidence of his papers, his title appears to be derived from old original rights in the Susquehannah Company, regularly entered in the old township of Ulster, in the name of his father, and in his own name, as early as the year 1775. Claim admitted.

— —

Surveyed June 19. Claim admitted same day.

John Franklin applied for a lot of land under the Connecticutt title, called a town lot, and known by lot N°. 25, within the old town of Ulster, and drawn in the name of Nathan Dennison, and by said Dennison conveyed to the applicant, by deed bearing date the 18th Decem^br, 1789. And also about 22 rods in width of lot N°. 1, in the second division of lots within the bounds of old Ulster; said lot extending from the road leading thro' Tioga Point to the Tioga river; said two tracts claimed supposed to contain about three and half acres, more or less; and the last tract laid out and drawn in the name of the present applicant, on the 10th day of June, 1786.

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Claim admitted. Surveyed June 27.

The Heirs of Abraham Decker, deceas'd, apply for lot N°. 10, in the 2^d division of lots within the bounds of old Ulster, said lot containing ten acres; claimed under the Connecticut title; drawn in the name of Benjamin Allen; from him transferred to John Shepard; from John Shepard to Ira Stephens and from Ira Stephens to Abraham Decker, under whom it is now applied for by his heirs.

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Saturday, June 16th.

Claim admitted. Surveyed June 19.

Clement Paine applied for two acres of land within the bounds of the town of old Ulster, under the Susquehannah

claim, it being a part of lot N°. 44, in the second division of lots within the bounds aforesaid; said lot being originally drawn in the name of Thomas M°Clure, and appears to be regularly conveyed to the present applicant, by deed bearing date Decemb^{r} 20th, A. D. 1798.

The lots here claimed were on investigation found to be in the Possession of the Penn^{a}. claimant, except N°. 40, one-half of Lot N°. 39 claimed by Elisha Satterlee.

Betsy Mathewson, for the heirs of Elisha Mathewson, deceas'd, by her Agent Samuel Satterlee, as Connecticutt claimant, made application for lots N°. 2, 39 and 40, in the first division, and lots N°. 1, 2, 6, 11, 16, 17 and 30, in the 2^{d} division of lots within the bounds of old Ulster township, with the exception of 20 perches in width on the north side of lot N°. 1, lot N°. 40 in the first division, title derived from John Franklin; also lot N°. 12, 16, 17, the title derived from John Franklin; lot N°. 6 laid out in the name of Solomon Bennet, from him to A. Bird, April 5th, 1789; from Bird to Franklin and from Franklin to said Mathewson, deceas'd. Lot N°. 11, in the 2^{d} division, was drawn in the name of Christopher Hurlburt, and by him conveyed to the said Mathewson, deceas'd; lot N°. 39, in the first division, drew in the name of Duane & Patrick, by them conveyed to John Jenkins, and from Jenkins to the said Elisha Mathewson, deceased.

Claim rejected, June 19. See Page 12.

Samuel Satterlee applied for a lot of land within the bounds of the town of old Ulster, laid out on the undivided lands in the year 1795; claimed under a title derived from the Susquehannah Company to Jonathan Hibbard; from Hibbard to Walter Hunt and from Hunt to the present applicant.

Claim admitted. Surveyed June 14.

John Miller applied for lot N°. 13 in the 1st division of lots in the town plot within the bounds of old Ulster township, claimed under a title from the Susquehannah Company, drawn in the name of Uriah Stevens and conveyed by him to Nathaniel Dyke, and from Dyke to Samuel Hebrun, and from the heirs of Samuel Hebrun to the present applicant.

Claim admitted so far as it relates to the lots in the third division. Surveyed June 21st. The lots in the 4 division rejected.

Abner Murray, as Connecticutt claimant, made application for part of lot N°. 14, 15, in the 3^{d} division of lots within the bounds of the old township of Ulster, upon which the title is

not already extinguished by purchase from the Pennsylvania claimant; and for lots N°. 52, 53, in the 4th division of lots within said town.

Protest. Henry Wells [Welles].

To the application of Elizabeth Matthewson Henry Wells files in a protest and prays a hearing before the Commissioners, which is granted, and Thursday, y^e^ 28th instant, appointed to hear the evidence and allegations of the parties.

The lot N°. 34 in the Possession of Penn^a^. claimant.

Elisha Satterlee, as Connecticutt claimant, made application for the one equal half of lot N°. 39, in the first division, and for the one equal half of lot N°. 34, in the 2d division of lots within the bounds of old Ulster township; said lots being drawn in the name of Joshua, Patrick and Thomas Duane, and the parts above mentioned conveyed by the said Patrick to the present applicant. To the application for lot N°. 39, Matthias Hollenback thro' Henry Wells sets up a Pennsylvania title, but is not supported by the testimony of said Wells, and no other evidence appears to support the title.

Monday, June 18th.

Daniel Miner exhibited a warrant for a survey within the bounds of the township of old Ulster, dated the 24th day of April, 1810, which warrant for a survey appears to interfere with a possession and claim under the Connecticutt title of Elijah Buck, but said warrant being dated subsequent to passing the act under which the Commissioners are now acting, cannot be admitted as a just claim to prevent the said Buck from obtaining his right agreeably to said act. Rejected.

Claim rejected; not having been surveyed or allotted until 1793.

John Shepard applied for the land in the 4th division of lots, within the bounds of the township of old Ulster, which appertains to the right of Christopher Hurlburt, one of the original proprietors within the bounds of the township of old Ulster, under the Connecticutt title; said Shepard also applies for the land in the 4th division of lands in the township aforesaid, which appertain to the right of Matthias Hollenback, one of the original proprietors in said town, under the Connecticutt title.

Claim admitted. Surveyed June 19.

Thomas Overton, as Connecticutt claimant, made application for lot N°. 38 in the first division of lots within the bounds of old Ulster; drawn in the name of Ira Stephens; conveyed by him to Stephen Hopkins; from Hopkins to William Wynkoop; from Wynkoop to David Paine; from Paine to Levi Thayer; from Thayer to Wanton Rice; from Rice to Chester Bingham; from Bingham to the present applicant.

William Slocum established a claim to the North end of the Island, June 28, and conveyed the same to David Alexander by deed, which completed said Alexander's title to the whole Island. See Page 20. Surveyed June 19. See Page 26.

David Alexander applied for the following lots of land within the bounds of the township of old Ulster, claimed under a title from the Susquehannah Company, (viz): lots N°. 34, 35, 36, 37 and 27 in the town plot, and all that lot of land included within a certain field, being on the south of lot N°. 27, and extending south to the inclosures of Mess^rs. Wells and Paine, meaning to include the land within the following boundaries: allowing the main street for the western boundaries, and the road along the bank of the Susquehannah river for the eastern boundary, be the same more or less; and also the Island opposite the above described lots, which Island appears to have been originally annexed to the township of old Ulster, and the possession of which appears to have been in the present applicant, from a date prior to the year 1787; the title from the Susquehannah Company, of the above described land, appears by regular conveyance to be vested in the present applicant. A lot belonging to John Shepard, included in the above application, which was applied for by said Shephard, and his claim admitted July 3^d.

Claim rejected as no survey or allotment was made until 1793.

Joseph Farlin applied for a lot of land within the bounds of the township of old Ulster, bounded east on land claimed by Daniel Satterlee, north on land claimed by M^cClure, south on land claimed by Absalom Traverse and west on the west line of the town of Athens; said claim originated from the right of Abel Yarrington, who derived his title from the Susquehannah Company, and conveyed the same to James Irwin; said Irwin to John Shepard and Shepard to the present applicant.

The application made by Samuel Satterlee, June the 16^th, rejected by the Commissioners for the following reasons, (viz): That the laws under which they act does require that the Connecticutt claimant must make it appear that he was an actual

settler in Bedford or Ulster, or in some one of the seventeen towns, prior to the 28th of March, 1787, or that he claimed to have acquired a title by or from such actual settler by devise, inheritance, transfer or possession, and that the lot claimed was particularly laid out and alloted to such actual setler prior to said time, agreeably to the rules and regulations then in force among them. It appears to us that the legislature have cautiously guarded against the acknowledgement, or grants of townships, or of particular grants, or rights, which accrued under the orders of the Susquehannah Company after the said 28th of March, 1787, to which time they are expressly limited. The words of the act are emphatical, (viz); "to lines hereafter run and established among them." The clause which relates to the actual setler, in some one of the seventeen towns, does not extend the privilege farther than where such setler has had his right in either of the towns which the present law embraces, surveyed and laid out agreeably to the rules of the Susquehannah Company prior to said day. The law was passed with a view chiefly to perfect and confirm the titles of the actual setlers, because such of the Pennsylvania claimants only whose title accrued by a patent, location or warrant, on which a survey has been executed previous to that time, are admitted, which is in strict conformity with the opposite claim; therefore the present claim not haveing been located or surveyed prior to the same day cannot be admitted.

Claim to Lot N°. 53, admitted.

Henry Wells (Welles) applied for lot N°. 53, in the second division of lots in the bounds of the township of old Ulster; said lot originally drawn in the name of John Jenkins, under a title derived from the Susquehannah Company from the said Jenkins, conveyed to Stephen Bidlack and from the said Bidlack to the present applicant.

Surveyed June 27th.

Claim admitted and established in part by the testimony of Henry Decker to lot N°. 20.

And also for lot N°. 20, in the first division of lots within the bounds of the town aforesaid, which lot was drew in the name of Christopher Hurlburt and conveyed by him to —— Root, and from Root to James Irwin, and from James Irwin to the present applicant.

Application was made for Joseph Tyler (by his son) for a lot of land within the bounds of the township of old Ulster, claimed under the Susquehannah Companies title, it being known by lot N°. 24, in the first division of lots drew in the

name of William Jones, and by the said Jones conveyed to the said Joseph Tyler; claim admitted and surveyed June 19th.

Wednesday, June ye 20th.

Claim rejected.

Stephen Hopkins applied for a lot in the fourth division of lots, within the bounds of of old Ulster, drawn as one of the publick lots agreeably to the rules of the Susquehanna Company, and released to the said Hopkins by a committee of said township, appointed for that and other purposes; this lot was not surveyed or alloted till 1793.

Surveyed June 27th.

John Franklin made application for the widow and heirs of Ira Stevens, deceas'd, for the following described land within the bounds of old Ulster, (viz): lot N°. 53, in the 3d division of lots in said town, drawn on the right of said Stevens. Also, two tracts called 4th division lots, part of said two tracts adjoins said lot N°. 53, and part lying on the west side of the Tioga river, separated only by the river; one of said tracts laid out on the right of said Stevens and the other on the right of Benjamin Smith, which last was not surveyed or allotted untill the year 1793, consequently not admitted; all of which was claimed under the Connecticutt title and admitted, except that part which was laid out on the right of Smith.

Thursday, June 21st.

Abner Murray applied for two lots of land within the bounds of the township of Old Ulster, the one drew in the name of Christopher Hurlburt and the other in the name of Nathan Cary. The aforesaid lots are of the 4th division, and it appears they were not surveyed nor allotted antecedent to the 28th of March, 1787, therefore, are inadmissble.

Fryday & Saturday, June 22d & 23d.

Employed in makeing out blank certificates, drafting surveys and classing the land.

Monday, June ye 25th.

See Page 22.

Isaac Morley applied for a part of three lots, (viz): lots N°. 10, 11 & 12, within the bounds of the township of old Ulster; lot

N°. 10 drew as a publick lot, lot N°. 11 drew in the name of M°Clure and lot N°. 12 in the name of Hagerman; said Morley claims lots N°. 11 & 12 by conveyance of Connecticut title, and lot N°. 10 by occupancy prior to the year 1787; the whole claim was established by Morley's procuring a deed from the committee of the town for lot N°. 10, which bears date July y^e 2^d, 1810.

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Tuesday, June y^e 26^th.

Elisha Satterlee applied for lots N°. 8, 12 & 20, in the 2^d division of lots within the bounds of the township of old Ulster; the lot N°. 12 drew in the name of John M°Kinstry, and lot N°. 20 drew in the name of Ishmael Bennet, both of which lots appear to be regularly conveyed down to the present applicant, and lot N°. 8 appears to be on the original certificate of the applicant, entered in said town in his own name in May, 1786, but as the lots are in the possession of a Pennsylvania claimant they are rejected.

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Wednesday, June 27^th.

See Page 25. The lot here claimed adjudged to Abel Yarrington.

Erastus Loomis applied for that part of his improvements, upon which the titles are not already united by purchase, it being a triangular piece of land lying between the said purchase and the land applied for by Daniel Satterlee, said land is claimed by possession and actual occupancy prior to the 28^th of March, 1787.

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Thursday, June y^e 28^th.

Surveyed July 3^rd.

John Franklin, In behalf of the proprietors of the township of old Ulster, applied for the publick lots within the bounds of said township, assigned as such in the original allotment or draft, and known by lots N°. 23 & 51, in the first division, and lots N°. 51 & 52 in the 2^d division, and lots N°. 9 & 10, in the 3^d division, and also two lots in the 4^th division, N^os. not yet known; one of them in the occupancy of Absalom Traverse and the other in the occupancy of Stephen Hopkins, both under lease from the township Com.; and the said Franklin also

applies for a lot laid out for a common in the center of the town plot, being ten perches in width and extending from the Susquehanna river to the Tioga river, it being the same on which the building stands that was erected for an Academy; the claim withdrew on all the lots except N°. 23, in the first division, and N°s. 51, 52 in the 2d division, and the lot laid out for a publick square; the lots N°s. 9 &10, in the 3d division, were conveyed to Isaac Morley and Lodowick Green, to whom they were certified; the 4th division lots rejected as not cognizable by the Commiss^rs.

William Slocum applied for lot N°. 49, of the 2d division of lots within the bounds of the township of old Ulster; said lot lying on the north end of the Island attached to said township, and drew in the name of the applicant; And the said Slocum also applies in behalf of his brother, Ebenezer Slocum, for lot N°. 30, called a town lot, and lot N°. 46, lying on the Island aforesaid, and known by a second division lot, and both originally drew on the right and in the name of the said Ebenezer Slocum.

As the above application interferes with an application heretofore made by David Alexander for the same land, which application was made the 18th instant, The commissioners assigned to-morrow, the 29th instant, at 8 o'clock A. M., to hear the evidence and allegations of the parties.

The application of Elizabeth Matthewson, made on the 16th instant, and the protest of Henry Wells, was brought before the Commiss^rs agreeably to appointment of this day for trial; the parties accordingly appeared.

The said Wells enters his plea, which goes to question the jurisdiction of the Commiss^rs in the cause, and cites the 7th section of the act under which the Commiss^rs are proceeding; it appears by the said 7th section, "That nothing in this act con-"tained shall be construed or understood to authorise or im-"power the said Commiss^rs to certify to any person, or persons, "any land in aforesid townships, held or claimed under a Penn-"sylvania title, under a patent, location, warrant or settle-"ment, where the Pennsylvania claimant is in the actual pos-"session or occupancy of the land, either by himself or tenant at the time of passing this act."

On the part of M^rs. Matthewson it was admitted that Charles Carrol, of Carrolton, was the owner of the land in question, under a Pennsylvania title, and it appears that the said Carrol is in possession of the land applied for by the said Elizabeth, by his tenant or agent, except lot N°. 40 and a part of lot N°. 39,

and that the possession was acquired by the said Carrol by a due course of law, and that Henry Wells was put into possession of the same by the Deputy Marshal, in pursuance of a writ of Habere Facias Possessionem issued from the circuit court of the U. S. for the district of Pennsylvania. Therefore, this case is one of those excepted in the said 7th section above recited, and cannot come under the cognizances or powers delegated to the commissioners, by the law under which they are now acting.

Fryday, June 29th.

In the case of the application of David Alexander and William Slocum, applying for the same lands, the Commissrs, agreeably to appointment, heard the evidence and allegations of the parties and do award that the said Slocum has made his claim good to lot No. 49 in his own name, and also to lot No. 46 in the name and behalf of Ebenezer Slocum.

But in respect to lot No. 30, it being in the possession of a Pennsylvania claimant, is without the jurisdiction of the commissioners and cannot therefore be certified to the Connecticutt claimant.

After the above decision was made the parties agreed, and the said Slocum conveyed the right of said lots No. 46, 49 to the said David Alexander, in consequence of which the whole of said Island is now vested in the said Alexander, under the Connecticutt title.

Benjamin Perry, as Attr in fact for the only surviving heir of Asahel Buck, deceas'd, applied for two rights of the said deceas'd supposed to have been allotted to him or his heirs within the old town of Ulster. It appeared upon an investigation of the subject, that Asahel Buck was an original proprietor, and one to whom the original grant was given.

And it also appears that his death happ'ned prior to the allotment of the said town, and that from some cause unknown at present the rights of the said Buck were not assigned to his heirs in the allotment of said town, nor any time thereafter. This claim was adjudged not be within the purview of the law.

Elisha Satterlee, for and in behalf of his brother Daniel Satterlee (who is absent), applied for lot No. 9, in the 3d division of lots, within the bounds of the township of old Ulster, which lot he derived by title from Thomas M'Cluer, who was an original proprietor in said town; claim admitted.

Saturday, June 30th.

Lodowick Green applied for lot N°. 9, and part of lot N°. 10, in the 3d division of lots within the bounds of the township of old Ulster; said lots were drawn and laid out as publick lots, and conveyed by order of the town to the said Green by a town committee, appointed for that and other purposes. The above mentioned lots are included in the application of John Franklin, in behalf of the town, made the 28th instant, but by a vote of the town since, was this day conveyed to the said Green, and his claim admitted.

The remaining part of lot N°. 10, not included in the above application of the said Green, was also included in the application of John Franklin, in behalf of the town, but in like manner as the above, was assigned and conveyed to Isaac Morley which compleats the chain of title to Morley in his application of June 25th.

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See Ante, Page 16.

The claim of Elisha Satterlee in his application of June 25th for lots N°. 8, 12 & 20 was objected to by Henry Wells, on the ground of his being in the actual possession of the premises, under a Pennsylvania title, and therefore, according to the 7th section of the act under which the Commissrs are now acting, the claim of the said Satterlee to the above lots could not be recognized by them.

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Monday, July 2d.

Anna Margaret Spalding (late Anna Margaret Snell), applied for lot N°. 18, in the 3d division of lots, within the bounds of the township of old Ulster, laid out on the original right of Oliver Bigelow, and also the 4th division lot, attached to the same right, which lay north and adjoining N°. 18; said lots were conveyed by said Bigelow to Noah Murray, and by the said Murray to the said Anna Margaret by deed bearing date the 19th day of February, 1793. The said Anna also produced a deed from Abraham Mineer, conveying the right of possession to the above mentioned lot N°. 18, which deed bears date Febry 20th, 1793.

As the above application interfered with the application of Abraham Snell, made the 14th June, and the parties being present, the Commissrs enter into an investigation of the matter, by which it appeared that the above mentioned grants were made to the said Margeret, as the Widow of Jacob Snell, de-

ceas'd, and that the consideration money paid for the same was paid out of the personal property of the said Jacob, deceas'd, and the purchase was made for the benefit of the heirs.

The said Margaret however, contended for the right of dower as the widow of the said Jacob Snell, but on investigation it appeared she had released her right of dower to Henry Snell, her son, on that part of the premise assigned to Henry as his proportion of the estate, by a written agreement bearing date 6th March, 1782, and that the said Henry had conveyed a part of the same lots to Daniel Snell, who conveyed the same to Abraham Snell, who's claim is entered as before stated: and it also appeared from the deposition of Noah Murray, Esq^r., that he, the said Murray, was one of the inquest appointed by the Orphans' Court to make partition of the same: that on examination it was found the farm could not be divided among the heirs without spoiling it.

That in consequence of which the farm was valued and adjudged to George and Henry Snell, the two eldest sons. It also appears that the said George conveyed his share to Henry, who conveyed to his brothers John & Daniel, who sold to Abraham a certain part of said lots, with the condition of their paying their mother her dower, which amounted to twenty-one pounds per annum. And it further appeared that an agreement was made between the said Anna Margaret, and the said Abraham and John, that the said Anna took a certain number of acres in full satisfaction of her dower, and that she afterwards compromised with the Pennsylvania claimant, and relinquished a part of said land in consideration of a reconveyance of the Pennsylvania claim to three acres or thereabouts. Whereby it appeared and was adjudged that the Connecticutt title is now vested in Abraham and Henry Snell as by their application claimed except that part which is in the occupancy of John Snell and Anna Margaret Spalding, not heretofore applied for.

Tuesday, July ye 3d.

See Ante, Page 16.

The commissioners entered into an investigation of the claim of Erastus Loomis, who appeared before them to vindicate the same, and by the deposition of Daniel Mineer it appeared that Uriah Stevens and Solomon Bennet were in the possession of the land claimed by the said Loomis prior to the year 1785. That the said Stevens and Bennet lived on the premises about

six years from the time above mentioned, and then sold the same to Samuel Swift, who lived thereon untill the year 1792, at which time it appears the said Swift conveyed the same to Wright Loomis, the father of the said Erastus, who has been in possession of the premises from that time to this: it also appears, by a deed from the said Wright Loomis, that the right of possession, and the Connecticutt title to a part of it, is now vested in the said Erastus Loomis, for whom the matter is now under consideration.

This case being continued open, in consequence of the claim of Abel Yerrington to the same tract of land, made 13th day of Augst, 1810, by Rozewell Wells his Atty., under the Connecticutt title, who produced a certificate dated 1st day Octbr, 1785, signed by John Franklin, Com., certifying that said Yerrington was admitted a half share proprietor in the Susquehanna purchase, and also a certificate from John Jenkins, certifying that Abel Yerrington was admitted a proprietor in the township of Athens, on lots N°. 36, 37 & 7, Certificate dated the 10th day October, 1787. N°. 7 is the lot claimed by said Yerrington. Fifty-seven acres & fifty-nine perches of the above claim adjudged to Abel Yerrington.

Wednesday, July ye 4th.

John Shepard applied for lot N°. 33, in the first division of lots within the bounds of the old township of Ulster; said lot in the draft of the town drew in the name of Benjamin Allen and by him conveyed to the present applicant, by deed bearing date May 2d, 1792. This lot is included in the application of David Alexander, of the 18th of June last, but is now excepted in the said Alexander's application and established to the present applicant.

Surveyed 6 July.

John Snell applied for that part of the Bigelow lot N°. 18 which was assigned to him as his share of the estate of Jacob Snell, deceas'd, as one of the heirs of the said Jacob. In support of the above application Henry Snell certifies that the claim of the said John is just and right and stands on arrangement and partition (as he understood) which was made between the said John and Daniel Snell, whereby the said Daniel did assign and transfer the same to him, the said John, as his share of the said estate. Said John also produces a certificate from his Mother, Anna Margaret Spalding, certifying her con-

sent that her moiety should be included in the application of the said John, her son, and certified to him, included with his own. This claim admitted; both included.

Thursday, July y^e 5^th.

The Commissioners haveing this day compleated the surveying, classing and valuing all the lands applied for by the Connecticutt claimants in the township of Ulster, in Lycoming county, which come within the provisions of the law, deferred Issuing Certificates to the settlers in consequence of their not haveing procured the original grant.

The Committee on the part of the claimants, in Ulster township, haveing failed in their endeavours to procure the original grant, the Commissioners in consequence thereof agreed to take the next best evidence the nature of the case would admit of, (viz): The testimony of the oldest and most respectable characters living nigh the place, possessing a correct knowledge of the facts.

The following depositions go to establish fully and satisfactory those facts:

Obadiah Gore, of Sheshequin, on oath saith: I was one of the Committee of grants for granting land under the Connecticutt Susquehanna Company. That about the year One thousand Seven hundred and seventy-four or five, Asahel Buck applied for and obtained a grant of a township called Ulster, and according to the best of my recollection it was bounded as follows, (viz): Beginning on the west side of the Susquehanna river, two miles below the junction of the Tioga with the main branch, and extending west five miles, thence north five miles, thence east five miles to the main river, thence down the river to the place of beginning: the above mentioned grant was in the hands of Thomas Cooper, Esq^r., when a Commissioner, carrying into effect the compromising law; he had it at my house.

Further saith not.

OBADIAH GORE.

[SEAL]

Lycoming County, ss. Augn^t 6th, 1810. Personally appeared before me the subscriber, one of the Justices of the peace for said county, Obadiah Gore, who on oath declares the above statement by him made is the truth; sworn and subscribed before me.

JOSEPH KINNEY.

[SEAL]

Lycoming County, ss. Personally appeared Lockwood Smith, who on oath declared that the boundaries of Old Ulster (as it is called), were in the original grant thereof as is described in the deposition signed and sworn to by Obadiah Gore, Esq^{r}.

LOCKWOOD SMITH.

Sworn and subscribed before me, witness my hand and seal Aug 6th, 1810.

JOSEPH KINNEY,
Justice Peace.

These certify that the township of Ulster (commonly called old Ulster) as granted by the committee to Asahel Buck and others, in the year 1775, was bounded east on the Susquehanna river, and to my best recollection and belief extended two miles south and three miles north of the Junction of the Tioga river with the Susquehanna, including Tioga point and extending west from the Susquehanna five miles.

That the grant of said township was lodged with me, as clerk of the Susquehanna company, about the year 1785 or 6, after a new grant had been issued; that it was in my care untill the Commissioners appointed under the compromising law were ascertaining the claims of the setlers in the township of Claverack, when Thomas Cooper, Esq^{r}., call'd on me for the grant by a written request from Obadiah Gore, Esq^{r}., as it was then contemplated to have the township of Ulster embraced under the compromising law. That I delivered the said old grant to the said Thomas Cooper, Esq^{r}., and it has not been since returned, and the said grant has never been recorded in any of the books in my care or in any other to my knowledge.

Certified at Athens, Aug^{t} 6th, 1810.

JOHN FRANKLIN.

[SEAL.]

Lycoming County, ss. Aug^{t}. 6th, 1810.

Personally appeared before me, one of the Justices of the peace for the county aforesaid, the above-named John Franklin, and made oath to the truth of the foregoing certificate.

Witness my hand & seal.

JOHN SALTMARSH.

The foregoing depositions of Obadiah Gore, Esq^{r}., Co^{l}. John Franklin & Lockwood Smith, goeing fully to establish the bounds of old Ulster to the satisfaction of the Commissioners, they proceeded on the Eleventh day of Aug^{t}., A. D. 1810, to issue certificates to all the claimants who had established their titles.

The Pennsylvania claimants to land in the township of Ulster, as originally granted under the rules and regulations of the Susquehanna Company, not haveing submitted their titles and drafts of survey, duly authenticated to the commissioners (either before or after the same had been certified to the Connecticutt claimants) for the purpose of haveing their said lands resurveyed, classed, valued and certified as the law directs. The Commissioners being unanimously of opinion that the law left it altogether optional with the Pennsylvania claimants to comply with its provisions or not in the first instance, which election they have made. The Commissioners therefore could not put the law in execution as it respected them.

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Thursday, July y^e^ 12^th^.

Matthew Roberts & George Harrison, as two of the commissioners appointed to execute an act of the assembly of the Commonwealth of Pennsylvania, entitled "an act for the purpose of adjusting the claim to lands in Bedford and Ulster townships, in Luzerne and Lycoming counties, passed the 19^th^ day of March, 1810." Haveing compleated the duties thereby enjoined on them in the township of Ulster, on the 6^th^ instant, proceeded, together with their surveyor, William Wilson, from the town of Athens on the 7^th^ instant, and arrived in Wilkesbarre, July 9th, 1810.

This day Cap^t^. Daniel Hoyt, Nehemiah Ide and Noah Wadhams, Esq^rs^., a committee appointed by the Connecticutt claimants in the township of Bedford, appeared before them and represented that the original grant of said township could not be found; said grant included a tract of country five miles square. But the committee for laying out said township, together with the surveyor, on examining the situation of the country, deviated from the boundaries described in the old grant, and surveyed and laid out a township as follows, (viz): Begining at the N. W. corner of Plymouth, thence running N. 56° 20′ E. four hundred perches to a pitch pine sapling, with a heap of stones, being the N. E. corner of Bedford, thence running N. 33° 40′ W. three miles to a stake and stones, it being the N. W. corner of the said Bedford, thence S. 56° 20′ W. eight miles and one hundred and seven perches to a stake and stones, it being the S. W. corner of the said Bedford, thence S. 33° 40′ E. three miles to a stake and stones, it being the S. E. corner of said Bedford, thence N. 56° 20′ E. seven miles and twenty-seven perches to the first place of begining, containing sixteen

thousand and two acres. This survey taken from the minutes of the survey made by Douglass Davidson in 1774, rec^{d}. to record January, 1795, recorded by John Franklin, clerk.

The above and foregoing is a true copy of record taken by Joseph Kingsbury, Clerk to the Commissioners, July 4th, 1810.

It became necessary that evidence should be produced to shew that the Com^{rs} of the Susquehanna Company had approved of the alteration so as aforesaid made in the laying out and allotting said township. The deposition of Ephraim M^{c}Coy, who was one of the committee, together with Jeremiah Coleman and David Marvin, for laying out the township of Bedford in the year 1774, was introduced by said Com^{rs}, which went to prove that the original grant of Bedford of five miles square did not take in a sufficient quantity of good land, it running upon the mountains and that it was agreed by the com^{rs}., of which he was one, to run the said township of Bedford eight miles and a half in length and three miles in breadth, so as to include more good land, and the survey so made was returned to the committee of the Susquehanna Company, and the same was approved by them.

Upon farther investigation it appeared that in consequence of the defeat of the inhabitants of Wyoming by the Indians in 1787, the few persons that were settled in the Township of Bedford were driven from their habitations, and the settlement of said Township was thereby prevented for several years thereafter. The Committee of the Susquehanna Company had made several arrangements among the holders of rights in said Township, between that time and the year 1795, about which time a number of persons became actual settlers on their lots in said Township, under the Connecticut title. A Certified Copy of a draught and allotment of said Township, taken from the records of the Company, was produced to the Commissioners, and relied on by the present claimants, whereby to establish their titles, but it did not appear by the said documents, or any evidence then before the Commissioners, that that allotment had been made prior to the 28th day of March, 1787, nor did it appear that the present claimants had derived their titles from the original proprietors under the allotment of 1774; Whereupon, The Commissioners ordered that each and every Connecticut claimant must prove satisfactorily to them, that they were actually settlers in the said Township of Bedford, or some one of the 17 Townships, prior to the 28th of March, 1787, or that they had derived or acquired right and titles by or from an actual settler, either by devise, inheritance or transfer. The deposition of Col. John Franklin was afterwards produced containing a statement of the Original proprie-

tors and present claimants, which satisfactorily established the titles of all the claimants, to whom certificates was afterwards issued.

Monday, July 16th, 1810.

John Peirce was appointed clerk to the Commissioners, to whom the oath of office was administered by George Harrison, one of the Commissioners, as the law prescribes.

Eden Ruggles & Amos Baldwin were appointed and sworn faithfully and diligently to perform the duties of chain carriers & William Hunt was appointed and sworn faithfully and diligently to perform the duties of marker.

The Surveyor Commenced running the boundary lines of the township of Bedford, agreeably to draught of survey and allotment made in the year 1774.

The following persons, proprietors of the township of Bedford, availing themselves of the act of Assembly of the state of Pennsylvania of the 19th of March, 1810, (viz): "An act for the purpose of adjusting the claims to land in the townships of Bedford and Ulster, in Luzerne and Lycoming counties," have presented their respective claims at the time prefixed to their names as Connecticutt claimants.

To the Commissioners appointed by the Governor for the purpose of carrying said act into effect. [Names seem to be omitted.]

John Hunnwell & John Hunnwell, Junr., Applied for lot No. 4, drawn in the name of Amariah Watson, and transferred to the present applicants by deed bearing date May 1st, 1807. Consideration, $200.

Benjamin Perry Applied for lot No. 22, entered on the original right of Eleazar Carey, and conveyed to Perry by the heirs of Carey as p. memorandum on the Susquehanna Companies Record.

Ard & Daniel Hoyt Applied for part of lots No. 1 & 2; lot No. 1 drawn in the name of Jeremiah Coleman and transfered to John Leonard 21st April, 1796, and by the said John Leonard transfered to the present applicants 26th October, 1807.

Lot No. 2 drawn by Ephraim McCoy and transfered to John Leonard 3d Septr., 1796, and by the said John Leonard transfered to the present applicants 26th Octobr, 1807. Consideration, $410.

Joshua & Benajah Fuller Applied for lot No. 9, drawn in the

name of Elias Allen, and by him transfered to the present applicants, 28th Octobr, 1796. Consideration, $400.

And also for lot No. 8, drew in the name of Daniel Hoyt, and by him transfered to the present applicants 30th March, 1797. Consideration, $400.

Ephraim McCoy Applied for the one-fourth part of lot No. 2; said M Coy has transfered the one-half of said lot to John Leonard, and the one-fourth part to Elias & Ebenezer Allen, the remaining fourth part he claims as an original proprietor.

Jude Baldwin Applied for two-third parts of lot No. 7, drew in the name of Samuel Marvin, and the whole lot transfered by him to Jared Baldwin 11th Novr., 1796, and by the said Jared Baldwin was transfered to the present applicant 14th Decembr, 1801, in consideration of natural affections.

Jared Baldwin Applied for lot No. 47, drew in the name of William Gallup the Elder, and by him transfered to the present applicant 22d Janry, 1795. Consideration, $160.

Phillip Abbot Applied for lot No. 17, as an Original proprietor in said town.

Messrs. Roswell Wells, Noah Wadhams, Daniel Hoyt, Nehemiah Ide & Almond Church, Trustees for the town of Bedford, Applied for lots No. 27 & 32, being the school and parsonage lots, the same being appropriated and allotted by the committee of the Susquehanna Company for the benefit of the proprietors of said town, and to be certified to the trustees abovenamed and their successors for the use and benefit of the inhabitants thereof.

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Tuesday, July 17th.

Tibbals Baldwin Applied for the one-third part of lot No. 7, drew in the name of Samuel Marvin, by him transfered to Jared Baldwin 11th Novr., 1796, who transfers into his son, Tibbals Baldwin, 14 Decembr, 1801, in consideration of natural affections.

Nehemiah Ide Applied for two-ninth parts of lot No. 46 by title derived from Douglass Davidson, an original proprietor, who by deed dated 15th day Novr, 1798, transfers two undivided third parts of said lot to Daniel Davidson, his son, Abigal Davidson, his former wife, Abigal Davidson & Elizabeth Davidson, his daughters; the one-half to his son Daniel and the other half to his former wife and two daughters, and the said Abigal, the wife and Elizabeth, the daughter, who had intermarried with Eden Wildman, by deed dated Febry 1st, 1803, conveyed all their right, amounting to two-ninths of the whole lot, to the present applicant. Consideration, $60.

Vide, Ide's application, page 42.

Nehemiah Ide Also applied for the one-third part of lot N°. 45, drew in the name of Walker Lewis, who by deed dated 21st Novr., 1795, conveyed the one-half of the lot to Lemuel Wakely, and the said Wakely by deed 16th December, 1800, transfered the said one-half of the whole lot to Nehemiah Ide, Amos Brown and Daniel Churchill and the said Churchill by his deed of the 11th Febr. 1801, transfered his share to the said Ide whereby he became vested of the one-third of the whole lot. One hundred and seventy-five acres $35\frac{2}{10}$ Ps. on the west end of the lot adjudged to Nehemiah Ide 175 As. $35\frac{2}{10}$ Ps., and Amos Brown. Nehemiah Ide also applied in behalf of Amos Brown for the following land, (viz): the one-ninth part of lot N°. 46. Douglass Davidson, the original conveyed to him by Abigal Davidson, daughter of Douglass, 16th Jan., 1806. Consideration, $50 and the one-sixth part of lot N°. 45, which he purchased of Lemuel Wakely, as is seen above.

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Vide Ide's application, Page 42.

Nehemiah Ide Also applied, in behalf of Daniel Davidson, for one-third part of lot N°. 46, with the exception of forty acres he sold to Isaac Gould, and aso for one other third part in right of his father Douglass Davidson. The right of Douglass Davidson was adjuged to Daniel Davidson.

Daniel Hoyt, In behalf of Wakler Lewis, Applied for the one-half of lot N°. 45, drew in the name of said Walker Lewis, an original proprietor in the township of Bedford, he having transfered the one-half to Lemᵗ Wakely, is only entitled to the one-half as above applied for; vide page 43.

Daniel Ayres, In behalf of himself and the other heirs of William Ayres, Applied for the one-half of lot N°. 53, drew by the said William Ayres and Abraham Nesbit, joint proprietors in said lot.

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Vide Nesbit, Page 45, for the other half.

And also by Benjamin Perry, Attʸ in fact for said Ayres, the one-half of lot N°. 12; there are no conveyances, but by the information of the Nesbits one-half belongs to Daniel Ayres.

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Vide Daniel Ayres above.

Abraham Nesbit Applied for the one-half of lot N°. 53, being the other half of said lot applied for by Daniel Ayres as above, and is claimed by said Nesbit as original proprietor.

James Nesbit Applied for the one-half of lot N°. 12, being the original right of James Nesbit, deceas'd, and father to the present applicant; and Abraham Nesbit, brother to the said James,

extinguishes the right of all the other heirs and transfers the whole of the half lot to the present applicant in presence of the Commissioners.

Charles Barney Applied for Seven-Eighteen parts of lot N°. 14, which was drew by David Marvin, who died intestate, leaving nine children, and it appears that Samuel Marvin, one of the heirs, had purchased the right of six of the heirs, his included made seven, which he sold to Charles Barney and Henry Row by deed of the 1st of Janr., 1803, so that the said Charles and Henry held seven-ninths of said lot, makeing seven-Eighteenths to each.

Anderson Dana Applied for lot N°. 21, being the original right of Jacob Dana, his Grandfather, which was held by Anderson Dana, Father to the present applicant, by a power from Jacob his father.

Vide Nehemiah Ide's Application. Page 43.

Isaac Gould applied for forty acres of land in lot N°. 46, conveyed by Douglass Davidson to Daniel Davidson, and from Daniel to the present applicant, by deed 1st April, 1803.

Anderson Dana, By Power of attr for and in behalf of Hezekiah Parsons and Eunice his wife, sole heir of Stephen Whiting, an original proprietor, Applied for lot N°. 19.

Elam Spencer Applied for parts of lot N°. 1 & 2, 37 acres in the N. W. corner of lot N°. 1, conveyed to the present applicant by Jeremiah Coleman & Sarah his wife, 17th Janr., 1800; and 40 acres in the N. W. corner of lot N°. 2, conveyed by Addison Carver 9th Novr., 1804; this 40 acres Mr. M°Coy states John Leonard sold Ebenezer Roberts and Roberts sold Carver.

Daniel Spencer Applied for parts of lots N°. 1 & 2 as follows, (viz): One-fourth part of lot N°. 2, conveyed to him by Elias & Ebenezer Allen; no deed appears from Mr. M°Coy the original to the Allens. Mr. M°Coy states that he sold the above one-fourth to the Allens.

And 60 acres in lot N°. 1 & 2, in the S. W, corner of lot N°. 1, and extending ten perches into lot N°. 2: this last 60 acres, by the statement of Mr. M°Coy, is from Leonard to Ebenezer Roberts, & from Roberts to the present applicant, by deed 16th Augt, 1805.

Zebulon Butler Applied for lot N°. 18, drew by Jacob Johnson, deceas'd; the title became vested in said Butler in right of his mother, who was a daughter of Jacob Johnson, jointly with Christiana C. Johnson, who was also a daughter of the said Jacob, who has since intermarried with William Russel.

And he also applied for lots N°. 34 & 35, for the heirs of Zebulon Butler, deceased who was an original proprietor.

And also for lot N°. 11, drew by Solomon Johson, deceas'd; said Butler the Executor applies for the heirs.

Peter Yarrington applied for lot N°. 28, drew in the name of Abel Yarrington, for whom this application is máde.

Vide David Scott, Page 61 for the Remainder.

Noah Wadhams, For and in behalf of Thomas Case, applied for 50 acres in lot N°. 30, drew by Daniel Ayers. The said Daniel Ayers conveys the whole to Ebenezer Holly 5th Decr., 1807.

Holly's deed to Case is dated 20th May, 1797: this appears incorrect, as Holly deeds to Case ten years before he had his deed from Ayers. For an explanation Noah Wadhams, Esqr., Deposeth he had in his possession a deed from Ayers to Holly for the whole lot, which by the request of Samuel Holly was given up to Ayers, in consequence of which Ayers gave a new deed to Ebenezer Holly, dated 5th Novr., 1807. The deponent cannot ascertain the date of the old deed, but has no doubt it was antecedent to the year 1797, and that Ayers destroyed the old deed.

—

Wednesday, July 18th.

Noah Wadhams, Executor to the estate of Noah Wadhams, deceas'd, Applied for the heirs of the deceas'd for lot N°. 26, drew in the name of the said Noah Wadham's, deceas'd.

Noah Wadhams also Applied for lot N°. 29, drew in the name of Noah Wadhams, deceas'd, and transfered by him to the present applicant, 17th Septr, 1795. Almond Church Applied for one-third part of lot N°. 6, drew in the name of Samuel Allen, who transfers two-thirds of said lot to Richard Loomis and Almond Church, 20th May, 1798. Consideration, $200.

Said Loomis, the 22d Febr., 1806, conveyed his share to Aaron Brown. The said Brown and Church make an exchange of 3 As. 20 Ps., and Church conveys 14 As. 28⅘ Ps. to Jude Baldwin, which is to be deducted out of his one-third. Deed from Asahel Drake to Samuel Allen, 18th Febr., 1795.

Amos & Jude Baldwin Applied jointly for lot N°. 10, drew by Stephen Burrett, who transfered two-third parts thereof to Amos & Jude Baldwin, by deed 23d Augt., 1796. The other third part the said Burrett conveyed to Evan Ruggles, 3d Augt, 1796, and the said Ruggles conveyed to the present applicants all his third part, 12th Octobr, 1797, so that the whole lot became vested in the said Amos & Jude.

Joshua & Benajah Fuller Jointly applied for lot N°. 48, drew in the name of Josiah Ives, who conveys the one-half of said

lot to Eliakam Andrews by deed, as appears by the Deposition of Capt. Daniel Hoyt, which deed is missing. Eliakam Andrews and Annice Andrews, his wife, by their deed of the 30th March, 1797, transfer their half to the present applicants. The other half the said Ives conveyed to Almond Church 14th July, 1810, and Church to the said Fullers 17th July, 1810, so that the whole lot is vested in them.

Griffin Lewis Applied for Seventy-five acres in the S. E. corner of lot N°. 5, drew by Stephen Burrett, and by him conveyed to Joel B. Burrett, 30th Novr., 1797, and by Joel B. Burrett to Seymour Hunt, 8th Octobr, 1798, and sold by the Sheriff of Luzerne County as the property of Seymour Hunt to Josiah Ives, Junr., by deed 28th April, 1801, and by Josiah Ives, Junr., to the present applicant, 19th Decr., 1807.

William Hunt Applied for a tract of land lying on the N. E. corner of lot N°. 5, north of Griffin Lewis's lot, drew by Stephen Burrett, and by him conveyed to Joel B Burrett, and by Joel Burrett to the present applicant by deeds, 1st June, 1798, and 30th Decbr., 1799, containing about 90 acres, more or less; reference to be had to these deeds.

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Vide Almond Church, page 49.

Abel Wheeler & Sarah Seely Applied for one-third part of lot N°. 6 on the N. W. line of said lot, bounded on the centre line, drew in the name of Samuel Allen, and transfered to the present applicants by deed, 30th May, 1801.

Thursday, July 19.

Vide Church. Page 49.

Johua Fuller Applied for fourteen acres twenty 29 perches of land in lot N°. 6, conveyed to him by Almond Church the 1st day of May, 1806; origin of title to be seen in the application of Church

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Vide Church. Page 49.

Aaron Brown Applied for the one-third part of lot N°. 6; title derived from Samuel Allen, original, from Allen to Richard Loomis, and Almon Church, from Loomis to the applicant, 22d Febr., 1806

Brown & Church exchange 3 As. 20 Ps.

Peter Gould Applied for the one-half of lot N°. 49, drew by Adolph Heath, and by him transfered to the present applicant, 1st day Octobr, 1800.

Abraham Vanloon & Jacob Gould Jointly applied for lot N°. 50, drew by Ebenezer Hibbard, and Stephen Burrett deposeth

that Hibbard sold it to Doct^r William T. Cressy and rec^d full compensation, but no deed to be found; William T. Cressy transfered it to the present applicant the 9^th October, 1799.

John Hollenback & Matthias Hollenback, Ju^r., Only heirs of John Hollenback, deceas'd, Applied for lot N^o. 42, drew in the name of John Hollenback, deceas'd, and is claimed by heirship.

Eden Ruggles Applied for lot N^o. 15, as original proprietor in the town.

———

Friday 20^th July.

George P. Ransom Applied for lot N^o. 40, drew by Nathaniel Cook, and transfered by him to the applicant, 19^th October, 1799.

David Perkins Applied for lot N^o. 13, drew in the name of Isaac Underwood, and by him transfered to Gabriel Beach, as appears by a certificate of Benjamin Newberry, Recorder of deeds for the County of Luzerne, and by said Gabriel Beach to the present applicant, 27^th May, 1795.

———

Saturday, July 21st.

Vide Griffin Lewis & Wm. Hunt for the other half, page 51.

Adam Shaffer Applied for the one-half of lot N^o. 5, drew by Stephen Burrett, who conveys to Joel B. Burrett, 30 Nov^r., 1797, and Joel B. Burrett to the present applicant, 17^th Dec^r., 1798.

———

Monday, July 23^d.

Vide Charles Barney, page 45, for Henry Row's claim.

Matthias Vanloon Applied for eight-eighteenth parts of lot N^o. 14 drew in the name of David Marvin. Henry Row by the deposition of Charles Barney conveyed $\frac{7}{18}$ths of the lot to William Rumsey, and William Rumsey, & Hillar his wife, convey the $\frac{7}{18}$ths to the present applicant 11^th April, 1809. said Vanloon introduces the deposition of Nathan Rumsey, which proves that James Marvin and wife, who were intitled to $\frac{1}{18}$th, sold William Rumsey, & W^m. Rumsey to the present applicant, which vests the $\frac{8}{18}$ths in Vanloon.

William Trucks Applied for lot N^o. 3, drew in the name of Benjamin Barney; there being no deed of transfer from the original proprietor to compleat the chain of title, The deposition of Benjamin Barney was introduced which shews the title as follows, (viz): That Benjamin Barney sold the lot to Theodore Henman, who sold it to Daniel Barney, and that the consideration on both instances was paid, and Daniel Barney conveys to the present applicant by deed, 8th April, 1801.

Tuesday, 25th July.

Joseph Kingsbury Was appointed Surveyor in the place of William Wilson, who is employed in drafting the township of old Ulster; said Kingsbury was sworn faithfully and diligently to perform the duties of surveyor by George Harrison, one of the Commissioners, and proceeded with the chain men and marker to survey the remaining part of Bedford that has not been surveyed by M^{r}. Wilson.

Wednesday, July 25th.

The Surveyor continued surveying, M^{r}. Wilson drafting, and Commissioners makeing out Certificates for Old Ulster township.

Thursday, 26th July.

Vide Charles Barney, page 45.

Ephraim M^{c}Coy Applied for one-eighteenth part of lot N^{o}. 14; there are no conveyances produced, but the certificates of Benjamin Newberry, Recorder of deeds for the county of Luzerne, shews that a deed is recorded in the office from Ebenezer Taylor, Grandson of David Marvin, conveying to Ephraim M^{c}Coy, as his right in N^{o}. 14, as heir to the estate of David Marvin, it being one-eighteenth part, deed dated 23^{d} July, 1794.

Surveyor with chain men and marker returned, haveing compleated the outlines of Bedford.

Fryday, July 27th.

This day M^{r}. Wilson returned home; M^{r}. Kingsbury employed in drafting.

Saturday, July 28th.

Verry rainy day. Surveyor drafting and no applications.

Monday, July 30th.

Jones Brush Applied for lot N^{o}. 41, drew in the name of the applicant, an original proprietor in the town.

Certificate made out, but retained in the hands of the Commissioners for further proof.

Tuesday, July 31st.

Daniel Davidson was appointed chain carrier, in the place of Amos Baldwin, and affirmed faithfully and diligently to perform the duties. Surveyor with chain men and marker pro-

ceeded to survey lot N°. 5. Returned this evening, haveing compleated the survey of s^d lot.

Wednesday, August 1^st.

Vide Ard & Dan Hoyt, page 39.

Daniel Roberts Applied for the remaining part of lot N°. 1, being the remaining part of the north half of said lot that Elam Spencer purchased of Jeremiah Coleman, and afterwards transfered to Daniel Roberts, and Roberts afterwards sold Elam Spencer thirty-seven acres, and Ard and Daniel Hoyt about sixty-six acres, leaving the remainder for the present applicant.

Noah Wadhams, Att^y for Mathew Covel, Applied for the remaining part of lot N°. 51, after deducting 160 As. 70 Ps.; said lot drew in the name of Ebenezer Hibbard, who transfered the whole to Mathew Covel, March, 1796, Mathew Covel and Orrel his wife conveys the whole to Absalom Roberts, June 1^st, 1800. Absalom Roberts & Francis his wife reconvey to Mathew Covel all the back part, after deducting 100 As. 70 Ps., by deed July 18th, 1810.

Noah Wadhams Applied in behalf of Nathan Rumsey for two-eighteenth parts of lot N°. 14, being the original right of David Marvin. M^r. Wadhams introduces the deposition of Abraham Nesbit to shew a fair transfer from the heirs to the present applicant.

Thomas Wright Applied for lot N°. 36, drew in the name of Joseph Rothbone and by him transfered to John Allen, 16th Decem^br, 1795, and by the said Allen transferred to the present applicant, Feb^r. 12^th, 1796.

He also claims the one undivided moiety of lot N°. 31, drew by Sherman Smith. A certificate from the Recorder of the County of Luzerne shews that Sherman Smith transfered the whole lot to Peletiah Fitch, and a transcript from the prothonataries books shews that the lot was sold at Sheriff's sale as the property of Fitch to Thomas B. Dick and Daniel Levy, and a Certificate from the Clerk of the State Commissioners shew there was a deed from Thomas B. Dick to the present applicant for the one-half of the lot.

Certificate made out to Thomas Wright & Daniel Levy for Lot 31, but retained for further proof.

Thursday, Aug^st. 2^d.

Abraham Nesbit, Guardian to the heirs of Samuel Ayers, deceas'd, (viz): Zebulon Ayers, Isaac Ayers, Evelina Ayers, Eliza-

beth Ayers & Burton Ayers. Applied for two-thirds of lot N°. 52, drew by William Baker, who transfers the whole of said lot to Samuel Ayers, Decem^br 29th, 1798, and the said Samuel transfers the one-third to Abner Ayers, as appears by parole testimony so that two-thirds belongs to the heirs of Samuel, and one-third to the said Abner, which the said Nesbit also applies for by virtue of a power of Att^y from Abner.

Roswell Wells, Esq^r., (correct spelling, Rosewell Welles) Att^y in fact for John Allen. Applied for lot N°. 16, drew in the name of said John Allen an original proprietor.

Roswell Wells, Also Att^y in fact for Thomas Mosely, applied for lot N°. 39, drew by Joseph Slueman. M^r. Wells states he is confident of seeing a deed from Slueman to Mosely, but expects to get further proof.

Certificate made out to Thomas Mosely for lot N°. 39, But retained for further proof.

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Fryday, Aug^st 3^d.

This day there were no claims presented. Commissioners went to Wilkesbarre. Surveyor drafting.

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Saturday, Aug^st. 4th.

David Scott, by power of Att^y from Sarah Scudder, Mother and guardian to Abraham Kip Scudder, Son to William Scudder, deceas'd, And also by another power from Eliakam Ross, and Charlotte Ross, his wife, a daughter of said deceas'd, and also from Sarah Scudder, Mother of and guardian to said Sarah, daughter of said deceas'd. Applied for the remaining part of lot N°. 30, after deducting fifty acres, sold by Ebenezer Holly to Thomas Case; said lot was drew in the name of Daniel Ayers, who agreeably to the deposition of Noah Wadhams, Ju^r., conveys the whole to Ebenezer Holly, and the said Holly by his deeds, Feb^r. 10th, 1798, conveys the remainder as follows, (viz): To Abraham Kip Scudder one-third of said lot on the west line, and to Charlotte Scudder & Sarah Scudder the one-half of said lot on the center road, which land the said Scott claims as above and the certificates to be issued agreeably to the conveyances from Holly.

This day Isaac Smith, Esq^r., one of the Commissioners arrived from Lycoming.

———

Monday, Aug^st. 6th.

Phinehas Wyman, By Letter of Att^y, In behalf of Abraham

Pike. Applied for lot N°. 23. drew in the name of said Pike, an original proprietor in the town.

Tuesday, Augst 7th.

The Commissioners appointed to put in execution the act of assembly for adjusting the title to lands in the townships of Bedford & Ulster, deem it proper to inform the gentlemen Committee, in behalf of the Connecticutt claimants to land in the township of Bedford. That no certificate can be granted to any Connecticutt claimant or claimants to land in the township of Bedford. Unless he or they make it appear that such claimant or claimants was an actual setler or setlers, in some one of the seventeen townships, and that the land so claimed was particularly alloted to such actual setler prior to the 28th day of March. 1787. Or that he or they have derived or acquired right or title by or from such actual setler, either by devise, descent or purchase.

The Committee will perceive the necessity of an early compliance with this resolve of the board, as a number of the titles that have been exhibited are incompleat in these particulars, and they will accordingly prepare themselves with such testimony as shall satisfactorily establish these points.

JOHN PEIRCE,
Clerk to the Commiss^{rs}.

Wednesday, Augst 8th.

John Peirce Applied. In behalf of Cherrick Westbrook, Executor of the estate of Abraham Westbrook, deceas'd, for lot N°. 29. drew in the name of the said Abraham Westbrook, deceas'd.

Vide Jonathan Stevens for Emond Crane. Page 69.

John Peirce, In behalf of the heirs of Winchester Mathewson, deceas'd, applied for lot N°. 44. drew in the name of said Winchester, an original proprietor in the town of Bedford

One hundred acres of lot N°. 44. on the west end of the lot adjudged to Nehemiah Ide, and the remainder to the heirs of Winchester Mathewson, (viz): 238 As. 84$\frac{7}{10}$ Ps.

Thursday, Augst 9th.

Surveyor running the division lines of lot N°. 46. Commissioners viewing the land to value and class.

Fryday, Augst 10th.

No claims presented this day. Surveyor drafting.

Saturday, Augst 11th.

Surveyor drafting. The Commissioners this day signed the Certificates for Ulster.

Monday, Augst 13th.

The Committee for the township of Bedford haveing received the notification from the Commissioners of the 7th Instant, This day appeared before the board and alledged that they were unable to establish their title, and requested time to procure the necessary documents to clear up those points.

Cap^{t}. Almond Church was dispatched to Co^{l}. John Franklin, Clerk of the Susquehanna Company for that purpose.

Tuesday & Wednesday, Augst 14th & 15th.

The Surveyor employed in preparing a general draft of Bedford, as surveyed by order of the Commissioners. Clerk preparing Journal.

Thursday, Augst 16th.

Mess^{rs}. Smith & Roberts went this day to the south west end of the town of Bedford for the purpose of viewing and classing the land.

Fryday, Augst 17th.

Commissioners engaged in classing and valuing the land. Surveyor drafting and Clerk transcribing Journal.

Saturday, Augst 18th.

Surveyor drafting. Clerk transcribing Journal.

Monday, Augst 20th.

Commissioners signed the remaining Certificates for Ulster. Surveyor drafting. Clerk transcribing Journal.

Tuesday, Augst 21st.

Rainy day. Surveyor drafting. Clerk transcribing.

Wednesday, Augst 22^{d}.

Cap^{t}. Church returned from Athens. The Com^{rs} of the town attended. Commissioners heard the deposition of Co^{l}. Franklin containing ten pages, and examined the claims of the proprietors, which were generally cleared up, and they proceeded to class and value the lands.

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Thursday, Augst 23^{d}.

Charles Miner, Att^{y} for Elisha Tracy, applied for lot N^{o}. 24, being the original right of Co^{l}. John Durkee, and conveyed to the said Tracy by Anne Delongpres, Daughter & heir to the said Durkee, Nov^{r}. 4th, 1794.

— —

Fryday, Augst 24th.

Benjamin Barney Applied for the one-half of lot N^{o}. 49, Adolph Heath original: as there are no deeds of conveyance. The deposition of Jonah Rogers, and certificate of Noah Wadhams were introduced, which go to shew there was a conveyance from Heath to Barney

The deposition of Benjamin Barney is introduced as a further confirmation.

Saturday, Augst 25th.

Roswell Wells for the heirs of Isaac Benjamin, deceas'd, Applied for lot N^{o}. 38, entered on the original right of Obadiah Rhodes, who conveyed to John Rhodes, April 8th, 1775, and John Rhodes to the present applicant, Nov^{r}. 13th, 1781.

Noah Wadhams, Esq^{r}., For Amariah Watson. Applied for lot N^{o}. 37 in his own right. The deposition of Bigsby Rogers & James Nesbit establishes the claim.

Horrace Morse Applied for lot N^{o}. 33, Thomas Heath original, and by the deposition of Co^{l}. John Franklin it appears that it was laid out on the half share right of the said Thomas, and by a transcript from the Prothonotaries office it appears was sold by the Sheriff of Luzerne County, in Augst, 1799, as the property of Thomas Heath to Noah Wells.

The said Noah Wells, by Letter of Att^{y}, dated the 1st of January, 1801, Impowers Jonathan Kellog of Newport, state of Pensylvania, to sell all his lands in Pennsylvania, and James Cambell, Esq^{r}., deposeth that a number of years since Jonathan Kellog acknowledged a deed before him to Horrace Morse for a tract of land in Bedford township, which he believed to be Lot N^{o}. 33.

Jonathan Stevens, For Edmond Crane, Applied for part of lot N°. 45. This lot appears was originally the right of Ezekiel Peirce and by him was transfered to Winchester Mathewson the 7th Nov^r., 1771, and the said Mathewson sold two hundred acres on the centre road to Sylvanus Mathewson, Nov^r. 26th, 1776. Sylvanus assigned all his right to Edmond Crane, 27th March, 1779, and Edmond by an instrument of writing the 22^d July, 1799, Quit claims the one-half to Jonathan Stevens, and authorises the said Stevens to negociate for the other half; the said Stevens by his instructions to the Commissioners commutes for one hundred & fifty acres. Which the Commiss^rs establish to him and Crane in lot N°. 45 on the centre road.

The remaining part of the lot, (viz): 175 As. 35$\frac{2}{6}$ Ps., appeared to be vested in the heirs of Winchester Mathewson, which is claimed by Nehemiah Ide. To establish his claim he introduces the deposition of Abraham Dutcher, who married a daughter of Winchester Mathewson, and also the deposition of Almon Church, which go to shew that Elisha Mathewson, Administrator on the estate of Winchester Mathewson, assigned to Abraham Dutcher one whole lot in Bedford as the portion of Dutcher's wife in the said Mathewson's estate. 150 acres is adjudged to Crane & the remainder to Nehemiah Ide; and also is adjudged to Ide 100 acres on the west end of lot N°. 44 which appears to be vested in the heirs of Winchester Mathewson, to make up said Dutcher's right, and the remainder, (viz): 238 As. 84$\frac{5}{6}$ Ps. to the heirs of Winchester Mathewson, as applied for by John Peirce in their behalf. Sarah Dutcher to be excepted and Sylvanus Mathewson.

Monday, 27th Aug^st.

Surveyor run Ide & Brown's division lines, M^r. Smith attended the other Commissioners, classing & valuing the lands and makeing out Certificates.

Tuesday, Aug^st 28th.

Surveyor engaged in drafting. Commissioners all engaged in filling up certificates and entering them in class book.

Wednesday, Aug^st 29th.

This day compared Certificates with Class book. Indorsed them, settled up the accounts, and each one after takeing an affectionate adieu, set out for their respective homes.

The Pennsylvania claimants to lands in the Township of Bedford, Luzerne County, not having submitted their titles to the land, and draughts of survey duly authenticated to the Commissioners (either before or after the same had been certified to the Connecticut claimants), for the purpose of having their said lands resurveyed, classed, valued and certified, as is by law directed.

The Commissioners being unanimously of opinion that the law left it altogether optional with the Pennsylvania claimant to comply with its provisions or not, in the first or second instant, and by not having applied the law made their election: therefore no measures were or could be taken by the Commissioners respecting them.

MISCELLANEOUS PAPERS

RELATING TO

THE WYOMING CONTROVERSY.

1769—1808.

[From a large mass of correspondence in the Land Department we have gleaned the documents printed herewith. They are of various dates. It may be stated in this connection that there are many valuable papers in existence relating to Wyoming affairs, which it is sincerely hoped the State will direct the printing. An important letter book belonging to the Department has not been found.]

MISCELLANEOUS PAPERS.

James Logan's Account.—1769.

The Honourable Proprietors.

To JAMES LOGAN, Dr., 1769:

1st.	To carrying flour to Wyoming with four horses and one man,	£2		
	To my expenses in going to assist the Sheriff,	1	10	
2d.	To assisting in three expeditions, man and two horses, finding our own provisions, &c.,	10		
3d.	To my servant, taken prisoner for 6 months and 3 days,	12		
4th.	To six times carrying prisoners to Eastown,	6		
5th.	To the use of several horses on different Expresses for near 3 years,	10		
	To assisting to take the Hanover men out of Jacob Brinker's and going to Wyoming with them, and one man with me,	4		
7th.	To riding express to Philadelphia from Mr. Broadhead on said business, &c.,	3		
	To ditto with Paul Pelton's qualification to the Governor,	3		
	To a man, Saddle and Bridle and Rifle gun,	20	10	
	To a horse that deceased on the Road Carrying up Provisions,	8		
	To my expenses in purchasing provision, &c., in the country,	3		
	To cash paid several persons as per their receipts,	35	19	3
		£129	19	3

CR.

Cash received of Mr. Jennings,		£2			
do.	Mr. Peter Keehlin and Mr. Stewart,	3	15		
do.	Mr. Lewis Gordon,		15		
				6	10 0
				£114	9 3

May 25, 1772.

To ANDREW ALLEN, Esq. :

SIR: I can assert that many of the above services were done by said James Logan by my certain knowledge, but as for his ever receiving any pay I cannot say anything to.

From your obedient and humble servant,

JOHN VAN CAMPEN.

May 28, 1772.

I believe that the within services were done by the bearer, James Logan.

GERRET BROADHEAD.

I can only certify that James Logan (whose account appears within) has been employed on divers occasions in behalf of this province in driving off the New England and other intruders on the Lands at Wyoming, but whether he has been satisfied for his services I know not.

LEWIS GORDON.

June 9, 1772.

James Logan saith that when John Tidd, his servant, was taken prisoner by the Rioters, they also seized a Horse, Saddle, Bridle and Rifled Gun, Logan's property. James Lawson and Alexander Patterson, now present, are willing to make oath of this matter, although it is not mentioned in the within account.

CHARLES STEWART.

June 9, 1772.

James Logan applied to me to certify what I know of his services charged in the within account. I know that on account of the first charge he received in November, 1769, from Mr. Jennings and me in full,—and when he went with Mr. Kechlin in January, 1771, he was paid in full. He is entitled to six pounds for himself and Tidd, for his services September, 1770, to be paid, if not already paid him, by Amos Ogden. In regard to the 3d, 4th, 5th, 6th, and 7th charges I do not know of his being paid any money, except once by Lewis Gordon, for riding to Mrs. Taylor. I know further that he was very active in apprehending the Rioters over the mountain, and that he had no land granted him.

CHARLES STEWART.

The Honourable the Proprietaries :

To GARRET BROADHEAD, Dr., 1769.

To 6 days with 2 horses and self @ 12½s., ...	£	3	12 0
To 6 days with 1 horse, 10s., ...		3	0 0

To 10 days at Wyoming, 10s., ...	£ 5	0	0
To my servant, 58 days at Wioming, of which was imprisoned 36 days by the Yankys, @ 5d., . . .	14	10	0
To 16 days at Beamys, self to oppose and apprehend the Hanover men and Yankys, @ 10d., ...	8	0	0
To taking and bringing down two prisoners, . . .	6	0	0
To cash advanced to Thomas Coin to bear his Expenses, ...		5	0
	£ 40	7	0

Received on the above of Lewis Gordon, Esq., ...	£ 0	0	0
Received of Captain Amos Ogden, by the hands of John Vancampen, Esq., . . .	6	0	0

ACTION OF THE NORTHAMPTON COUNTY COURT.

Among the Records of the Court of General Quarter Sessions of the Peace and Gaol. Delivery, held at Easton in and for the County of Northampton, it is Contained. June Sessions, 1770.

Northampton County Court:

The Grand Inquest of our Sovereign Lord the King, for the Body of the County of Northampton, upon their Oath and solemn affirmation respectively, do present that Lazarus Stuart, late of the same County, yeoman; John Durkee, late of the same County, yeoman; and John Cochran, late of the same County, yeoman, and divers other persons, to this Inquest as yet unknown, on the thirtieth day of April, in the year of our Lord one thousand seven hundred and seventy, at Wyoming, in the County aforesaid, did unlawfully, riotously and routously assemble and gather together to disturb the Peace of our said Lord the King, and so being then and there assembled and gathered together in and upon one, John Murphy, in the peace of God and our said Lord the King, then and there being unlawfully, riotously and routously, did make an assault, and him, the said John Murphy, unlawfully, riotously and routously did beat, wound and ill-treat so that of his life it was greatly despaired. And him the said John Murphy, then and there with force and arms riotously, routously and unlawfully against the will of him, the said John Mur-

phy, and against the Laws of that part of Great Britain called England, and of this Province of Pennsylvania, without any legal Warrant, Authority or justifiable Cause, did imprison and detain for the space of Sixteen days, and other harms to the said John Murphy, then and there did to the great damage of the said John Murphy, and against the peace of our said Lord the King, his Crown and Dignity. And the Inquest aforesaid, upon their Oaths and solemn affirmations aforesaid, do further present that the said Lazarus Stuart, John Durkee and John Cochran on the said thirtieth day of April, in the year aforesaid, at Wyoming, afterward in the County aforesaid, with force and arms, &c., in and upon the said John Murphy in the peace of God and our said Lord the King, then and there being an assault did make, and him, the said John Murphy, then and there did beat, wound and evilly treat so that of his life it was greatly despaired, and him, the said John Murphy, then and there with force and arms falsly, unlawfully and injuriously, and against the will of the said John Murphy, and against the Laws of that part of Great Britain called England, and of this Province of Pennsylvania, without any legal Warrant, Authority or justifiable Cause, did imprison and detain for the space of Sixteen days, and other wrongs to the said John Murphy, then and there did to the great damage of the said John Murphy and against the Peace of our said Lord the King, his Crown and Dignity.

ANDREW ALLEN, *Attorney General.*

Teste. p. Rege. Amos Ogden, Esq., John Murphy, Charles Stewart, Esq., Alexander Patterson, John Dick, Thomas Craig.—Sworn, L. Gordon.

John Durkee appears, pleads not Guilty and puts himself upon the County and the Att'y General Similiter, ex. process.

I, William Craig, Clerk of the Court of General Quarter Sessions of the Peace and Gaol Delivery of the County of Northampton, in the Commonwealth of Pennsylvania, do hereby Certify That the foregoing is truly Copied from an original Indictment remaining of Record in my office.

In witness whereof I have hereunto set my Hand and the Seal of the said Court at Easton, in the County aforesaid, the first day of April, in the year of our Lord one thousand seven hundred and ninety-three.

WILLIAM CRAIG.

I, Jacob Rush, President of the Courts of Common Pleas of Quarter Sessions of the Peace of the Circuit consisting of the Counties of Berks, Northampton, Luzerne and Northumberland, in Pennsylvania, do hereby Certify That the Attestation

of the foregoing Record and Proceedings is in due Form and according to the usual mode of exemplifying the Records of the said Courts in Northampton. Witness my Hand this 12th day of April, 1793.

JACOB RUSH,
President of the Third Pennsylvania District.

SUBSCRIPTION OF PHILADELPHA CLAIMANTS.—1775.

PHILADELPHIA, *October* 9, 1775.

WHEREAS, It is necessary to assist the inhabitants of Northumberland and Northampton counties in protecting their property and preserving the peace of those counties: We hereby promise to pay the sums annexed to our respective names for that purpose when called upon by the treasurer of the committee appointed to receive the same, or any other person authorized by the said committee.

Turbutt Francis,	£50	John and Jesse Lukens,	£20
Ed. and Joseph Shippen,	40	Robert Morris,	25
James Tilghman,	25	Samuel Meredith,	25
Tench Francis,	25	Matthias Slough,	15
Andrew Allen,	20	Charles Stewart,	30
John Cox,	20	David Shakespeare,	12
William Smith,	20	Owen Biddle,	10
Henry Keppele, junior,	20	William Sitgreaves,	10
John Musser,	10	Edward Milnor,	10
Reuben Haines,	50	Samuel Garrigues,	10
John Vandenn,	20	John Maxwell Nesbit,	20

The names on the opposite column are a few of those who have subscribed in Philadelphia. The committee for applying the said subscription request Jasper Yeates, Esq., Sebastian Graaf, Esq., Rev. Thomas Barton and Mr. John Witmore, junior, to solicit and receive subscriptions for the above purpose in Lancaster county.

Signed on behalf of the committee this 11 of Nov., 1775

JOHN LUKENS.
TENCH FRANCIS.
WILLIAM SMITH.

A LIST OF YANKEE PRISONERS—1774 (?).

Asa Luthington.
Stephen Fubler.
Asa Gore.
Thomas Fish.
Penigo Downing.
William Churchill.
Nicholas Manuel.
William Lannen.
Hosea Yale.
Prince Alden.
William Briggs.
Reuben Vernon.
William Gallop.
William Warner.
Zebulon Butler.
Silas Brown.
Aholial Buck.
Henery White.
Thomas McLure.
Silas Parks.
James Graham.
David Phillips.
Abel Yarrington.
David Buckett.
William Decker.
Jacob Applefinger.
George Kinter.
Jacob Ankish.
John Revolt.
Henry Fisler.
Jacob Fisler.
Robert Hopkins.
Conrad Beecker.
John Soyer.
Stephen Tracey.
Luke Carter.
Thomas Wolsworth.
Daniel Holley.
James Hopkins.
William Rea.
Ephraim Arnel.
Richard Brockway.
Jacob Cook
Eleazer Newton.
Silvester Cherbrouk.
John Shaw.
John Shuls.
Elijah Harris.
Ichabod Downing.
Thomas Badlock.
David Marvin.
Seth Smith.
Timothy Gaylord.
Stephen Lee.
John Killam.
Oliver Smith.
Asial Atherton.
James Atherton.
Joshua Beunett.
Samuel Peton.
Robert Frazer.
Elijah Buck.
Obediah Gore.
Daniel Gore.
Elias Robins.
Nathaniel Salmons.
John Simpson.
George Espy.
Robert Young.
Peter Kidd.
Silas Gore.
William Leonard.
Oliver Durkee.
John Wiley.
Asa Whitlasey.
John Holley.
Nicholas Phillips.
Felix Duker.
Robert Hunter.
Peter Tronsway.

Jonathan Downing.
Joseph Moss.
John Delong.
Benjamin Doruston.
John Jamison.
John Murphey.
Samuel Storey.
James Hopkins.
Abel Pearce.
Thomas Woisworth.
John Folley.
Preserved Taylor.
Thomas Bennett.
Nathan Beech.
Thomas Weeks.
Ebenezer Fornum.
James Nisbet.
James Grames.
Enos Yale.
William Hollibord.
Christopher Avery.
Joseph Gaylord.
Samuel Avery.
John Geliam.
Benjamin Reynolds.
Asa Lyons.
John Franklin.
Samuel Hodkiss.
Cornelius Vincent.
John Ewing.
Thomas Heath.
James Hedsel.
Jonathan Weeks.
Ruben Jones.
Henry Windecker.
Ebenezer Hubbard.

A List of Prisoners taken before the Fort.

Jonathan Carring.
Solomon Johnson.
Jabish Fish.
Conrad Beker.
Uria Marvin.
Daniel Marvin.
Jesse Kinney.
Robert Roth.
Elias Williams.
John Kesler.
Zopher Williams.
Aaron Clawson.
Pershall Terry.
Gideon Pelton.
Daniel Hains.
Rusal Franklin.
Samuel Marvin.
Andrew Sypher.
Peter Walker.
Daniel Angel.
Ebenezer Starm.
Ezra Bewell.
John Doranie.
Moses Ward.

THE WYOMING EXPEDITION—1775.

At the request of William Mackey, Michael Troy and Doc. Panket, that carried on the Expedition, William Mackey delivered on the 13th day of December, 1775, to the under named Gentlemen:

Captain Boon,	$6\frac{3}{4}$ yds.	Broadcloth,	18s.	p. yd.,	£6	1	6
" Long,	$6\frac{1}{4}$ yds.	"	25s.	"	8	2	6
" Moody,	3 yds.	"	25s. 6d.	"	3	16	0
" "	$2\frac{1}{4}$ yds.	"	19s.	"	2	2	9
" Allison,	$11\frac{1}{4}$ yds.	"	25s. 6d.	"	14	13	3
" Lee,	$4\frac{1}{8}$ yds.	"	24s. 6d.	"	5	1	1
					£39	17	7

The above goods was used for Legins for the Troops on the Wayoman Expedition.

NATHAN DENISON TO THE COMMITTEE AT EASTON.

WESTMORELAND, *January* 9, 1777.

GENTLEMEN: The Bearers hereof are Part of a Large Body of Indians belonging to the Six Nations, who have expressed their friendship for the United States of America at a Council held in this Place this day. They also Inform us they are upon a Journey to Philadelphia to speak with the Congress (if returned). Otherways intend to see General Washington. They have Desired us to write to you and beg that they may be Pointed to Places to Escape the small-pox and other Pestilential Disorders (if such there be among you). This is wrote upon their Particular Desire to give you Information of the approach of the Body of Indians, which Consists of about two Hundred Men, Women and Children; and they further desired us to request of you Your Influence that their Proposed treaty might be at Eastown, if it be Possible at this time, for fear of the Disorders, &c., mentioned as above. We Doubt not but you will Pay due attention to these People at this time, when their favours will be more Eligible than their Frowns. We beg leave, Gentlemen, to Subscribe Ourselves your friends and very Humble Servants,

NATHAN DENISON,
WILLIAM JUDD,
CHRISTOPHER AVERY,

To Eastown Committee.

(Endorsed) From Nathan Denison, Westmoreland, January 9, 1777 (by an Indian).

BEFORE THE COURT AT TRENTON.

The notes of Arguments by Counsel and the Decree.

[Unfortunatley the "notes" are unsatisfactory, but it is all that we have concerning this impo.tant arbitration, for such it really was, the first under the new order of things in the Federal Union. Messrs. Eliphalet Dyer, Jesse Root and William S. Johnson appeared for Connecticut; while Pennsylvania was ably represented by Messrs. James Wilson, Joseph Reed, Jonathan D. Sergeant and William Bradford.]

The Brief of Mr. Root.

10th December, 1782.

By every principle of Law, Justice and policy you ought to decide in favour of Conn't.

The Crown Title ought to be secure against the Crown.

Urged to a trial when C. labours under many disadvantages for want of Papers.

Charged with seking delay.

The justice of our Cause inspires us with Confidence:

1st. Consider the Conn't Title—Good:

2. Penn's Title void in itself.

Property belongs to the first discoverer, because he providentially stumbled upon it.

When a Nation discovers a Vacant Country they have a Right to it.

2 Bla. 8 Indians have no property in lands only as far as he uses it; that is Hunting, though when he sells it is no more than use he applies it to.

Ind's have no permanent property in lands, if otherwise it would Violate the Great Command, *be fruitfull*, &c.

The Grants of the Crown binding on the Crown.

The use of those Grants are for the People & not an Ind.

4 Bac. 211. The Grants the Crown made:

1st. That to the Council of Plymouth, 1620.

2. Conveyance fom the Council of P.—but no Orig'l papers. G. W.

3. To Lord Say & Seal, under this patent the people of Ct. Settle in 1635.

Pet'n to the King. In the petition of the Gen'l Court at Hartford express mention is made of this patent.

Patent of 1662.

4. Bac. 213. A violation of those Charters first began the present controversy.

———

The "Brief" of James Wilson.

13th December, 1782.

Whether C. has or has not a right to those lands?

Prove she has not:

1. Her Charter never extended westw'd of N. Y.

2. If it ever did she has long since lost that right.

1st. From facts before the Charter, facts at the time & facts since.

2 Blac—295, defin'n of a Deed.

3d. To consider the Claims of both sides derived under the Indians.

4. To suggest the Advantages or inconv's that are likely to flow from the Decision of this Court.

1 Bac: 67, defin'n of an agreement—a concurrence of the sentiments of the parties.

Vattel, 2d Book, Sec. 107, pg. 218, gen'l Rule of Interpretation.

2 Hutch: 307. What was the intention of the parties when the Soil or Jurisdiction was granted?

2 Ins: N: L: 307—9. Interpretation of intention and mode of collecting it.

323—344 Grot: Puff.

1 Blac: 59–62. Deeds shall be construed according to the intention of the parties.

Calyes 6 p't., 64 B. Finches Case Rule for the Construction of Deeds.—Nothing is more consonant to Justice than to establish the Will of the Donor who makes the Grant.

2 Bac: 661, Hobert 229, 2 Blac. same. The Intention to Govern.

Vattel Boo: 2, Sec. 206; Treaties to be explained by each other.

2 Ista. L. N. 334—5, same subject—331.

The Power of Explaining the old charters in Am'a according to equity & Intention was Vested in the Crown now in the *United States.*

Vattel B, 2d Sec., 282—Sec: 287. The Spirit & intention of the Charters is the end they had in View.

Grot. 365, Puff 541

Vattel 2 B., Sec. 292—3.

2 Ins't, L. N. 339, Gro. 365, Puff 547——545 the Intention; sometimes we restrain & sometimes enlarge the meaning.— Remarkable, we have oftener reason to restrain then to enlarge.

——550 Arguments drawn from conveniencys have a particular weight in the Law.

When we would decide on a man's conduct we ought to place ourselves in his situation.

Would we wish to read a poet with pleasure we must transport our ideas to the place and the age in which he lived.

Would we judge of Charters we must not apply to the correct maps of the present Day, but the vague & uncertain knowledge the makers had of N. America.

H : y to Cabot is Gen'l & can throw no light on the subject, *only to disco:* Queen E.

Stith. His : V : 4—4 Ap'x—1-2-3* *The first bonded patent in America.

The two Colonies had separate Seals & the Co.y in England had the King's own Seal for the Colony.

Each colony confined to 100 miles square.

Stith. ——76-7, discovery of the Country of the Maniham, then supposed to lye on the coast of the South Sea.

Stith. 101. *New Charters 23d May*, 1609, copy in the Apx. golden South Sea dream.

4 Purchers, 1786, The King's box.

1822 3.

Pamp :

No. 261. Twelve years before the C : Charter, *a Map* shewing the *South Sea.*

4 Purch : 1870. South Sea believed to be near at hand.

Those who granted and those who applied for those patents did not know the extent of the Country.

We are to determine according to what the Grantor and Grantees thought at that time and not accordg to what we know now.

Plymouth pat. of 1620 : The Reason assigned in the preamble is he had enlarged the other.

The "Brief" of Dr. Johnson.

Indian title is vague & uncertain. Show no title Valid but the Crown Title.

The question is a question of Right, & Right & Title are synonymous in this Question.

Every Title must be established according to the Laws of the Country.

The General Laws of America must be the Ground on which this question is to be decided.

The Law as it stood at the Time of the acquisition is binding.

The Feudal system was the Law of all the Nations in Europe at the Time of the Discovery of America.

The French, Spanish & Portugees adopted the erroneous system of Conquest.

The English & Dutch the more human system of Humanity.

The Indian Title is subordinate to the Crown Title and can never be set up against it.

Indian titles uncertain and cannot be depended on.

Will not depreciate Indian title.

Cultivation is the Regular mode of Appropriation.

Indians never Cultivate.

Property grows up with Civilization and cannot be acquired without it.

Purchases from the Indians were no more than the purchasing of peace and quietness.

3 Hutch: 30 Vattel, 37; Sec. 81, 91. Indians no proprietors.

Eliz: Tower Bill Opinion, Christians have a Right to take barbarians' land.

All the Lgeislators in America have adopted these principles.

It is the law of America and must be binding on America.

The Court cannot vary from them.

When this Rule is adopted and property depending on it, it ought not to be shaken.

On this principle we must stand, that whoever can adduce a Charter Title require no more.

Vattel 2, B. 216, 264. The Reason of the Grant is the Ground of the Grant, though the Reason ceases, yet the Grant continues.

5 Bac: 525. There is a Legal Title and an Equitable Title.

The Discovery and Charter from Chas. the 2d.

The Plymouth Charter and all under it are only explanatory.

We do not use them for any other purpose. This we told them Early.

Cabot's Discovery—King took the Homage of the Natives.

In the Reign of Hen: 8 some of the Natives did Homage to him siting on his throne.

The Title of Discovery is the principle by which all the Nations of Europe hold their possessions & Ratifyed by all their Treatys.

James 1st began in 1606 to make grants or *rather Lisences.*

The Patents to Virginia from Sea to Sea in the South; and to Wint hrop in the North are the foundations of the American settlements.

Purch: The Extent of America was as well known at that Day as at this. The Surrender of the Plymouth Charter mentions 3000 miles to the South Sea.

Patents have been Vacated frequently, as they were often given to favourites, & policy induced the Judges to Vacate them.

4 Bac: 210, 211. Reasons for Vacating Grants.

1 Hutch: 34. Plague among the Indians.

We only mention these Patents as Historical facts which Comprise our *Equitable Title.*

A part of Narragansett River had been granted to Massachusetts the Year before.

The patentees were the Associates of Lord Say and Seal, &c.

1 Hutch: 47.

Conn't Charter, Chas. 2d granted it for Valuable consideration.

The Colony is the People.

The property is one thing.

The property of the Colony another.

The people another.

And the property of the People a fourth.

The property of the Colony is from the Beginning.

The Jurisdiction of the Government extends with the Settlements.

The greatest part of the Colony was purchased of the Natives: can mean nothing more than the actual settlem'ts.

Char's was liberal at the moment of granting the patent.

The South bound of this patent is the Sea, whence it cannot be that Massch't line is the South bounds.

On considering the location the Dutch are to be left out of the Question.

There is no doubt, though Ingenuity has suggested many.

It is a *great grant*, but it was a *Royal one.*

There is a double construction to every human grant.

If New Haven would not see that they were included in the Patent this Court will not shut their eyes; its absurd.

The Charter could only incorporate the Colony of Conn't & N. Haven was not within their Jurisdiction.

When the Commissioners came out with Destructive powers then they came into the Jurisdiction.

The passing of a patent is an Act of ownership; it was a wise act to secure the property.

The Possession of the Dutch is the only objection to be encountered.

They were in under a title of their own or as tenants of the

Crown of England or as intruders—the last appears to be the fact.

4 Bac: 212. It was the Spirit of the patent to except the Dutch possessions.

661. Examine whether Conn't has divested herself of this property.

It requires as strong evidence to divest as it does to invest property.

The settlement in 1660 can have no effect as it was before Conn't was sufficiently invested with the property.

1 Blac: 484. The Settlement in 1664 was a reasumption by the Crown and contrary to law. Vide 16th, Chas. 1st. Vide their answ., Acts of Assembly to 1725.

Char'l. in 1664 had lost the good Nature he was possessed of in 1662.

The Settling jurisdiction was the object of the Commission.

1st. All agreements are to be construed according to the subject matter of the agreement.

2. They can only affect the parties to the agreement.

Not an idea in the agreement that could affect Conn't.

Vide agreement in 1683, but it ought to be construed strictly, then it only relates to N: York & Con't.

A Silence for a Century.

Queries by the board of Trade & prop'rs of Penns'a.

1st. State the facts & then meet the objection.

The "Brief" of Mr. Sergeant.

Right of discovery.

King James could not deny the Right of the Dutch, though he wished to abridge it.

And reserves out of the Plymouth Patent only what the Dutch actually possessed.

Who had the best right to the lands in Dispute, the oldest and nearest Settlers to those lands or the most remote and junior settlements.

If the King had divested himself of the Jurisdiction over the lands mentioned in the Charter of C: why do the Susq'a Co'y apply and the C: Assembly recommend them to the Crown for a New Grant?

When one gives anything it is to be presumed it was his own, at least he wishes it to be thought so, though the presumption is not always the truth. So it is with respect to those large grants, for no other purpose than to create a Title to the Crown.

1. Hutch: 48.

9-317-268. Alowed on all hands that the Council of Plymouth had no Right to convey the Right of Jurisdiction.

1 Day—113.

As to Jurisdiction the Council of Plym: were trustees; with regard to the soil the same.

10 Cohn, 110, 111, 112. A false suggestion or recital of a false consideration in a patent Vitiates the Whole.

1 & 4 Cohn.

2 Blac. 347-8.

Indian Treaty at Lancaster in 1744.

2 Vol. Harrises, V's 247. 4 Purch: 1872: The King, notwithstanding the Plymouth grant, granted some of the lands comprised within that Patent to others.

1 J. Cong: 33. The Act of Parliament of England extending the Bounds of Canada is frequently mentioned by Congress as a grievance, but never once mentioned by C: as infringing on the Bounds of their Charter, which it certainly did if their Claim to the disputed lands is Just.

53-4. The Northerly & Westerly boundaries of their Colonies.

69———Same Pet'n to the King.

1 J: Cong. 153, 2d. Addresses to the People of Britain.

All the Western Lands late in the Crown of England are now the Joint property of the United States.

They have no grant under the Plymouth Charter—no general proofs can prove more than general facts.

To particular facts particular proof must be made.—To prove a Deed the Deed must be produced, if not lost or destroyed by accident then a Copy must be produced.

N. Haven: State of the Case.

Charles the 1st never signed the patent nor had C: any until Mr. Winthrop obtained it in 1662.

No patent to Lord Say & Seal, &c.

No grant from them to the people of C't.

2 V: C. Rec. 237. Decree.

250. Reasons.

265. Do.

Her rights must have arisen from her settlements; her conquests or her purchases from the Indians.

The purchase made from the Indians on Delaware were made by the people of N. Haven, then a separate Gov't from Con't.

They were made by people who then deny'd the Charter of Con't & all the Authority it would give.

2 V: C: Rec. 14. N. Haven Colony sent men to purchase from the Indians at Delawar bay, but expressly forbid to medle with any thing the Dutch or Sweads had a Right to.

Why produce the Indian purch. in Delaware State if not to keep up the Idea of their Claim to that State.

Do. 37. Why make them now if this is not their Idea.

Let us discover their limits.

Do. 73-4. The Dutch declare they have a Right to Con't River and that they purchased of the Natives long before the English settled there.

2 N. C. Rec. 280. By liberty of the N: C: Con't were permitted to take two Towns on Long Island into their Protection.

1662. The recitals in the Charter will shew us what was asked and what was intended to be granted, viz. :

"The greatest part was purchased at a great expence and some parts conquered."

If the Gov't of Boston was too remote for Con't, can a Country 1000 miles distant be more convenient for the Gov't at Hartford.

348. King's letter to the Gov't of N. Haven, Conn't, &c., dated after the Granting of C't Charter.

21st June, 1663, which shows the Crown had no intention of involving N: H in the C't Charter.

367, 380. The union of N: H. to be interpreted as their own Consession and not otherwise.

That Con't could not extend farther Westward than N: H.

Instructions, 1683, 10th & 13th. Queries in 1680.

Queries in 1730. Official Declarations Con't to the Crown in 1774. She changed her note, well knowing her former Declarations were repugnant to her claim.

Con't Acts of Assembly 110-111. To settle & dispose of all the Vacant lands in the Colony.

260. County of Litchfield Act. Their Western line.

Conn'ts frequent settlements of Boundaries have long since barred her right, if it ever existed.

In 1650 *Dutch Settlement* of *Limitts.* If it never was ratified the words of the argument are binding.

1656. Ratified by the Dutch.

1664, 1731-2. 1603-4.

Indians the true proprietors of the Soil.

The first settlers under the Plymouth Charter were Relieved from Famine by the Corn purch'd from the Indians.

Hutch. 15-16, *Colden* 33-4. Dutch settle in 1609 and 5 Nations Indians kindly treated by the Dutch.

Policy of the Division.

The "Brief" of General Reed.

The Title of Penns'a stands on the clearest ground abstracted from that of Connec't.

Our Title consists of both the Crown and the Indian title.

That all titles should be derived from the Crown is the law of Britain and only applicable to Britain.

3 Hutch. 30.

———

The Decree of the Court.

This Cause has been well argued by the Learned Council on both sides.

The Court are now to pronounce their Sentence or Judgment.

We are unanimously of Opinion that the State of Connecticut has no right to the Lands in Controversy.—

We are also unanimously of Opinion that the Jurisdiction and Preemption of all the Territory lying within the Charter boundary of Pennsylvania and now claimed by the State of Connecticut do of Right belong to the State of Pennsylvania.—

WM. WHIPPLE.
WELCOME ARNOLD.
DAV'D BREARLY.
CYRUS GRIFFIN.
WM. C. HOUSTON.

Trenton, 30th Dec'r, 1782.

THE TRENTON COMMISSIONERS TO PRESIDENT DICKINSON.

———

TRENTON, 31*st December*, 1782.

SIR: We take the liberty to address your Excellency, as private citizens, lately honored with a commission to hear and determine the controversy between the States of Pennsylvania and Connecticut, relative to a dispute of territory. In the course of executing this commission, we have found that many persons are, or lately have been, settled on the lands in question. Their individual claims could, in no instance, come before us, not being in the line of our appointment. We beg leave to declare to your Excellency, that we think the situa-

tion of these people well deserves the notice of government. The dispute has long subsisted. It may have produced heats and animosities among those living on or near the country in contest, and some imprudences may take place, and draw after them the most unfavorable consequences.

With all deference, therefore, we would suggest to your Excellency and council, whether it would not be best to adopt some reasonable measures to prevent any, the least, disorder or misunderstanding among them, and to continue things in the present peaceable posture until proper steps can be taken to decide the controversy respecting the private right of soil in the mode prescribed by the confederation. We doubt not an early proclamation from the Executive of Pennsylvania would have all necessary good effects, and we feel ourselves happy in the fullest confidence that every means will be adopted or acquiesced in by the State to render the settlement of this dispute complete and satisfactory, as far as may be, to all concerned.

We have the honor to be, with great respect,

Your Excellency's most obedient,

And humble servants,

WM. WHIPPLE.
WELCOME ARNOLD.
W. C. HOUSTON.
DAVID BREARLY."

President DICKINSON.

JAMES TILGHMAN TO THE ATTORNEY GENERAL.

November 11, 1782.

SIR: The Commissioners appointed by the State of Pennsylvania to contest the dispute concerning the Boundary of this State with Connecticut, having thought the Indian Deeds made to the proprietors of the province would absolutely be necessary, the Supreme Executive Council sent for me to enquire if they had been delivered to me, to which I had to reply in the negative, and being asked if I knew in whose possession they were, I answered I thought in Mr. Penn's; upon which an order of Council was made, that I should apply for and receive the same from him, but upon my giving application to him he declared he had them not, neither did he know where they

were, except you or Mr. Physick had them. Mr. Physick says he knows not where they are. Mr. Penn, upon considering that his own interest as well as the public is concerned, seems desirous that the Deeds should be produced at the Tryal, which is to begin this week at Trenton, and judges that you have them or know where they may be found.

I remember upon a certain occasion when you and I were in your room where the chests of the Land Office were put, that you missed the Trunk containing the Indian Deeds, but in a few days afterward told me that you had found the Trunk, and I think said they were at Mr. Penn's.

As there are several papers of the Land Office put with your private papers which remained in your house at the time your Son delivered me the chests, as mentioned in your letter at that time, if you possibly can come up and Separate them it will be to the advantage of Several people whose claims and titles depend on some of those papers. But I do most earnestly request that the Indian Deeds be delivered, as they must at all events be had upon the Tryal, and I believe Mr. Penn desires they may be delivered at this time and put on Record, after which it may be easily settled in whose possession the originals should remain.

I should not now have troubled you on this occasion, having heard of your trouble, but from the great urgency and necessity of the matter,

Your Compliance will oblige all concerned as well as

Your most obedient Servant,

JAMES TILGHMAN.

JUDGE GRIFFIN TO PRESIDENT DICKINSON.

TRENTON, *January* 1, 1783.

SIR: Being upon a tour of duty in the line of my office, I had not the pleasure of reading your letter until yesterday.

Before the commissioners determined that important contest between Pennsylvania and Connecticut, it was agreed:

1st. That the reasons for the determination should never be given.

2d. That the minority should concede the determination as the unanimous opinion of the court.

No doubt sufficient reasons appeared to us to adopt these

preliminary points. Whether strictly justifiable, or at present would be adopted, I will not undertake to say. Perhaps a different course might be pursued; but this I will undertake to say, that no court ever met and decided a great question less subject to partiality or corruption, or in which more candor and freedom of debate were exercised.

As you seem to suppose, I do not know in what manner the jurisdiction might be considered if tried again, and especially since a number of important discoveries have been made, and a mass of evidence can now be produced which was not known at that time. But I can assure you, sir, that the commissioners were unanimously of opinion that the private right of soil should not be affected by the decision. The decision was not to reach the question of property in the soil.

We recommend very strongly, derived from legal and political grounds, that the settlers should be quieted in all their claims, by an act of the Pennsylvania Assembly; and that the right of soil, if I recollect truly, as derived from Connecticut, should be held sacred. Such, however, I am certain, was the opinion of the individuals who composed that court.

I have the honor to be

Your humble servant,

CYRUS GRIFFIN.

To President DICKINSON.

PROCLAMATION CONCERNING THE DECREE AT TRENTON.

A PROCLAMATION.

WHEREAS, The Court of Commissioners, constituted and declared by the United States, in Congress assembled, to hear and finally determine the controversy between this State and the State of Connecticut, respecting sundry lands lying within the northern boundary of this State, having heard the said States respectively thereupon, proceeded on the thirtieth day of December last, to give judgment in the words following, to wit:

We are unanimously of opinion that the State of Connecticut has no right to the lands in controversy. We are also unanimously of opinion that the jurisdiction and preëmption of all the territory lying within the charter boundary of Penn-

sylvania, and now claimed by the State of Connecticut, do of right belong to the State of Pennsylvania.

We have thought fit to make known and proclaim, and do hereby make known and proclaim the same, and we do hereby charge, enjoin, and require all persons whatsoever, and more especially such person and persons who, under the authority or countenance of the late Colony, now State of Connecticut, either before or since the Declaration of Independence, have entered upon and settled lands within the bounds of this State, to take notice of the said judgment, and pay due obedience to the laws of this Commonwealth.

And Whereas, There is reason to fear that the animosities and resentments which may have arisen between the people, who under the authority or countenance of the said late Colony, now State of Connecticut, as aforesaid, have made settlements within the bounds of this State; and the citizens of Pennsylvania who claim the lands whereon such settlements have been made, may induce some of the latter to endeavor to gain possession of the said lands by force and violence, contrary to law whereby the peace of the State may be endangered and individuals greatly injured, we do hereby strictly charge, enjoin all persons whatsoever, to forbear molesting, or in anywise disturbing any person or persons, who, under the authority or countenance of the late Colony, now State of Connecticut, as aforesaid, have settled lands within the bounds of this State until the Legislature or courts of justice shall have made laws or passed judgment in such case as to right and justice may appear to belong, as such persons offending therein shall answer to the contrary at their peril. And we do hereby charge, enjoin and require, all judges, justices, sheriffs, and other peace officers, to use their authority to prevent offenses, and to punish, according to law, all offenses committed, or to be committed, against any of the people so as aforesaid settled under the authority or countenance of the said late Colony, now State of Connecticut, as aforesaid, on lands within this State, and who pay due obedience to the laws thereof, as in case of like offenses against any of the citizens of this State.

Given in Council, under the hand of the President and the seal of the State, at Philadelphia, this sixth day of January, in the year of our Lord one thousand seven hundred and eighty-three.

JOHN DICKINSON.

Attest:

TY MATLACK, *Secretary.*

God save the Commonwealth.

THE ACT OF 1783 TO STAY PROCEEDINGS.

An act to prevent and stay suits from being brought against the inhabitants of Wyoming during the time therein mentioned:

WHEREAS, Commissioners duly authorized and appointed, agreeable to the ninth article of the Confederation of the United States, to hear and determine the controversy between the Commonwealth of Pennsylvania and the State of Connecticut have adjudged and decreed, that the jurisdiction and preemption of all the territory lying within the charter boundary of Pennsylvania, and claimed by the State of Connecticut, do of right belong to the State of Pennsylvania:

And whereas, This House, taking into consideration the situation of the present settlers under the late claim of the State of Connecticut, at that part of Wyoming eastward and northward of Nescopeck Falls, on the East Branch of Susquehanna, have agreed to send commissioners to make inquiry into the cases of the said settlers, and to encourage, as much as possible, reasonable and friendly compromises between the parties claiming, and, therefore, it is highly improper that any proceedings at law should be had for the recovery of any lands or tenements during the said inquiry;

Be it therefore enacted, &c., That every writ and process whatever granted, or issued, or which may hereafter be granted or issued for any owner or owners, claimant or claimants, against any person being now an inhabitant on said lands at Wyoming, in order to dispossess any of the said inhabitants or settlers of the lands or tenements in his, her, or their occupancy, shall be and the same are hereby declared to be stayed, and on motion, all further proceedings thereon shall be quashed by the court to which such writ shall be returnable, until the report of the said Commissioners shall be laid before this House, and order shall be taken thereupon.

And be it further enacted by the authority aforesaid, That this act shall be and continue in force until the end of the next sitting of General Assembly, and no longer.

RESOLUTION OF THE GENERAL ASSEMBLY.

STATE OF PENNSYLVANIA,
IN GENERAL ASSEMBLY,
FRIDAY, *January* 30, 1784, A. M.

The report of the committee, read yesterday, on the petition of divers inhabitants of Wyoming was read the second time as, follows, viz:

The committee to whom was referred the petition of Samuel Shepherd and others, inhabitants of Wyoming, beg leave to offer the following report:

That they find upon careful examination, that the following of the said petitions, viz., Simon Spalding, Samuel Shepherd, Joseph Hageman, Nathaniel Davenport, Charles Lyons, Daniel Whitney, Joseph Elliot, Solomon Perkins, the Heirs of Christopher Cartwright, jointly; Stephen Fuller, Asell Burnham, Preserved Cooley, William Stark, Isaac Baldwin and Lawrence Myers are within the description of persons entitled to a reasonable compensation in lands within the boundaries of this State, agreeable to a resolve of the Honorable Assembly of this State, of the second of September last.—Your committee, therefore, offer the following resolution:

RESOLVED, That the Secretary of the Land Office be hereby authorized and required to deliver to each of the above named persons, viz., Simon Spalding, Samuel Shepherd, Joseph Hageman, Nathaniel Davenport, Charles Lyons, Daniel Whitney, Joseph Elliot, Solomon Perkins, the Heirs of Christopher Cartwright, jointly; Stephen Fuller, Asell Burnham, Preserved Cooley, William Stark, Isaac Baldwin, and Lawrence Myers, Certificates under the seal of his office, importing that each of them are entitled to three hundred acres of land, to be located any where within the purchased and unappropriated parts of the County of Northampton and Northumberland, and that the Surveyor General be authorised and required to direct copies of the said certificates to any of the Deputy Surveyors of the said counties, at the request of the party, in order to the final confirmation of the said lands, which are to be free of purchase money on payment of the fees of office only.

And on the question "*Will the House adopt the foregoing report?*" it was carried in the affirmative by a considerable majority, and the report adopted.

Extract from the minutes.

J. SHALLUS,
Assistant Clerk of the General Assembly.

Pursuant to the foregoing Resolve I have made out Certificates to the several persons therein named in the Form following, viz.:

PENNSYLVANIA LAND OFFICE, *ss:*

I do hereby Certify that by virtue of a Resolution of the General Assembly of the State of Pennsylvania, on the 30th day of January last, a Copy of which is entered in my office, ———, A. B. is entitled to have surveyed to him 300 acres of land within the purchased parts of the Counties of Northampton and Northumberland not already appropriated, and on Return of the survey to a patent of Confirmation in the usual Forms of the Land Office, agreeable to the said Resolve. In Witness whereof I have hereto set my Hand and seal of office this 2d day of February, A. D. 1784.

DAVID KENNEDY,
Secretary of the Land Office.

MEMORIAL OF MARTIN AND FRANKLIN.

PHILADELPHIA, 5*th April*, 1784.

To the Honorable the President, the Vice President and Executive Council of Pennsylvania:

The Memorial of Robert Martin and John Franklin on behalf of the distressed People of Wyoming humbly sheweth:

That on the 15th of March last the River Susquehanna rose into a flood exceeding all Degrees ever before known, that its rise was so sudden as to give no time to guard against its Mischief; that it Swept away about One hundred and fifty Houses, with all the provisions, House furniture, farming Tools and Cattle of the Owners, and gave but just opportunity for the Inhabitants to fly for their Lives to the high Ground; that by this dreadful Calamity One Thousand Persons are left destitute of Provisions, Cloathing and every means of Life, and to add to the Calamity the Winter Crop of Grain on the Ground is so harrowed up by the Ice as to be nearly ruined. Their deplorable Case was laid before the late Assembly for their consideration, but they Adjourned without taking any resolution thereon.

Your Memorialists therefore pray that these suffering People may be recommended to publick Charity or such other method for their relief may be adopted, as your wisdom shall devise, and your Memorialists shall ever pray.

ROBERT MARTIN.
JOHN FRANKLIN.

WYOMING CONTESTANTS.

List of the Men who have been shut up in the Garrison at Wyoming.

Luke Brodhead.
James Melvin.
Daniel McLaskey.
Joseph Cavana.
Joseph Marshal.
Abm. Courtright.
Elisha Courtright.
John Courtright.
Ezekel Schoonover.
Peter Cousan.
Samuel Vangorder.
Enos Randle.
Lawrence Kinney.
Garret Shoemaker, Jun.
Jacob Tilberry.
Abm. Tilberry.
Peter Stagg.
Jacob Cramer.
Jacob Klyne.
David McCartney.
John Lasley.
Robert Clark.
Gabriel Ogden.
George Tanner, Jun.
Joseph Montaney.
James Covert.
John Potman.
James Johnston.
Ephraim Van Orman.
Isaac Van Orman.
John Van Orman.
Henry Winn.
Obediah Walker.
Jacob Woodcock.
Richard Woodcock.
James Culver.
Isaiah Culver.
Preserved Cooley.
Peter Taylor.
Silas Taylor.
Ebenezer Taylor.
Benjamin Hillman.
William Sims.
William McKinney.
William Miller.
John Hillmann.
Alexander Hoover.
Abm. Hammond.
Alexander Strickland.
Jacob Van Horn.
George Yoman.
John Pinsell.
Daniel Swartz.
Joseph Biggers.
John Boreland.
George Tanner.
Edward Cavana
Garratt Shoemaker.
James Stagg.
Richard Savage.
Lawrence Osbourne.
Patrick Dunlevey.
Joseph King.
Nicholas Brink.
—— Juba.

WYOMING, *August* 8, 1784.

List of those who had Entered Bail to answer at the Supreme Court to their Indictments for dispossessing Yankee Settlers in May, 1784.

Ebenezer Taylor.
Silas Taylor.
Joseph Matania.
Samuel Van Gordon.
Helmes Van Gordon.
James Brink.
John Cortright.
Benjamin Hillman.
Martin Tidd.
Daniel Swartz.
Isaiah Colver.
James Colver.
Isaac Clinkefoos.
Joseph Solomon.
Ezekiel Schoonover.
Henry Brink.
Tunis Coobert.
William Brink.
John Borlen.
Abr'm Van Cortright.
Elisha Cortright.
Benaijah Monday.
Jacob Tilghbury.
Henry Shoemaker.
Andrew Henderson.
John Seely.
Alexander Patterson.
Samuel Reed.
B. W. Ball.
Luke Brodhead.
Lawrence Kinney.
Preserved Cooley.
Robert Biggars.
Gabriel Ogden.
David Ogden.
Jacob Kline.
Rudolph Litz.
William McDonnald.

"*List of Affidavits taken at Wyoming*, 1784." *Depredations and threats at Wyoming against Pennsylvania Claimants.*

Ab'm Goodwin.
Jonathan Marsh.
Anthony Benscoto.
Mary Korly.
John King.
Eliz. Van Orman.
Garrit Shoemaker.
Catherine Sims.
Lois King.
Hannah Schoonhover.
Isaac Taylor.
Mary Long.
John Cary.
John Craven.

Concerning the Attack at Locust Hill.

Charles Monro.
Eliphalet Emmons.
Silence Emmons.
John Patnors.

Attack on the Garrison at Wyoming.

Brink & Van Gordon.
Henry Burney.
Leah Vangardner.
James Lardner.
Pamelia Taylor.
Catharine Cortright.
William Hartman.
Samuel Karr.

"100 PERSONS DROVE FROM WYOMING."

[Such is the significant heading of a document which appears to have no date. It was probably 1784. See prior lists.]

A list of those plundered and drove from Wyoming which did not take up arms against the Connecticut Claimants.

Benjamin Morris.
Christian Cress.
Abraham Lane.
——— Corie, from a place called Kingston, and a Connecticut claimant.
James Hillman.
Benjamin Lewis.
John Tillghbury.
David Brewster.
The Widow Hallet.
Samuel Randol.
James Chambers.
Gisbert Vangorden.
John Lanterman.
William Swarts.
Nicholas Brink.
Jonathan Mash.
——— Sheldon.
Abraham Vought.
Ebenezer Tayor.
——— Landen.
James Stag.

A list of the inhabitants which was plundered and ordered off the ground on pain of Death, and their houses burned over their heads; but are remaining at Wyoming.

George Charles.
John Courtright.
Catharine Brink (widow).
Thomas Brink (plundered last week).
Michael Scott.
Jacobus Bunnescoto.
Joseph Vanorman.
Ebenezer Earl.

Charles Bingham.
Samuel Karr.
Abraham Smith.
Daniel Hain.
James Earl.

ACTION OF THE COUNCIL OF CENSORS—1784.

IN COUNCIL OF CENSORS, *September* 11, 1784.

It is the opinion of this Council, that the decree made at Trenton early in 1783, between the State of Connecticut and this Commonwealth, concerning the territorial right of both, was favorable to Pennsylvania. It likewise promised the happiest consequences to the confederacy, as an example was thereby set, of two contending sovereignties adjusting their differences in a court of justice, instead of involving themselves, and perhaps their confederates, in war and bloodshed. It is much to be regretted that this happy event was not improved on the part of this State, as it might have been; that the persons claiming lands at and near Wyoming, occupied by the emigrants from Connecticut, now become subjects of Pennsylvania, were not left to prosecute their claims, in their proper course, without the intervention of the Legislature; that a body of troops was enlisted, after the Indian war had ceased, and the civil government had been established, and stationed at Wyoming, for no other apparent purpose than that of promoting the interest of the claimants under the former grants of Pennsylvania; that these troops were kept up and continued there, without the license of Congress, in violation of the confederation, that they were suffered, without restraint, to injure and oppress the neighboring inhabitants, during the course of the last winter; that the injuries done to these people excited the compassion and the interposition of the State of Connecticut, who thereupon demanded of Congress another hearing, in order to investigate the private claims of the settlers at Wyoming, formerly inhabitants of New England, who, from this instance of partiality, in the army, might have been led to distrust the justice of the State, when, in the meantime, numbers of these soldiers and other disorderly persons, in a most violent and inhuman manner, expelled the New England settlers before mentioned, from their habitations, and drove them towards the Delaware, through unsettled and almost

impassable ways, leaving these unhappy outcasts to suffer every species of distress; that this armed force, stationed, as aforesaid, at Wyoming, as far as we can see, without any public advantage in view, has cost the Commonwealth the sum of £4,460, and upwards, for the bare levying, providing and paying them, besides other expenditures of public money; that the authority for embodying these troops was given privately, and unknown to the good people of Pennsylvania, the same being directed by a mere resolve of the late House of Assembly, brought in and read the first time on Monday, September 22, 1783, when, on motion, and by special order, the same was read a second time, and adopted; that the putting this resolve on the secret journals of the House, and concealing it from the public after the war with the savages had ceased, and the inhabitants of Wyoming had submitted to the government of the State, sufficiently marks and fixes the clandestine and partial intent of the armament, no such caution having been thought necessary, in defense of the northern frontiers, during the late war; and, lastly, we regret the fatal example which this transaction has set, of private persons, at least equally able with their opponents, to maintain their own cause, procuring the influence of the Commonwealth in their behalf, and the aid of the public treasury; the opprobium which has from hence resulted to the State, and the dissatisfaction, and prospect of dissentions, now existing with one of our sister States; the violation of the confederation, and the injury done to such of the Pennsylvania claimants of land at Wyoming, occupied as aforesaid, as have given no countenance to, but, on the contrary, have disavowed these extravagant proceedings. In short, we lament that our Government has, in this business, manifested little wisdom or foresight, nor have acted as the guardians of the rights of the people committed to their care. Impressed with the multiplied evils which have sprung from the improvident management of this business, we hold it up to censure, to prevent, if possible, any further instances of bad government, which might involve and distract our new formed nation.

DAVID MEAD TO THE EXECUTIVE COUNCIL.

WIOMING, *February* 6, 1785.

GENTLEMEN: I Lament that I have Occasion to address you on the affair of this unhappy part of the state. I have delayed writing until all hopes of establishing any kind of Order is

Vanished. It is True that Irregularities have been Commited by many of the Pennsylvanians against the Connecticut Claimants. But great care has been taken that the Offenders are Generally Prossecuted with severity, and the Courts of Justice are yet Open. And unwaried pains has been taken to Convince those Claimants of the Determined Honour and Justice of the State to afford them every Restitution in the Reach of the Law. But all to no purpose, who have descended to Commit almost every kind of disorder, and bid defyance to Government, so that the exercise of the Civil Authority is altogether Impracticable. They have appointed Two or three Different Committees to Transact Different kinds of Business for the Promotion of their Designs. They have formed their Malitia, appointed Field and Other Officers in Contempt of the State; many Inoffensive Families are now under Orders Immediately to move away or their Effects to be made a Reprisal of. Therefore, as a Citizen and Servant of Government I am Obliged to Claim your Protection and Support, and am in the meantime, Gentlemen, with the greatest Respect,

your most Humble Servant,

DAVID MEAD.

N. B.—The Inclosed Deposition of the Shawnea Township Constable, who was Elected by the Inhabitants of said Township, in Consequence of an Order Issued by Mr. Martin and myself, which was most likely to take with the people and remove doubts than otherwise, so that every Indeavour seems fruitless. The Constable of Stoke Township is now out of the place, who made report some days ago nearly Coroberating with this Deposition, but not taken in form, therefore Omited. However the Express can give some Information, who is a Gentlemen of Candor and Deliberation.

D. M.

Please to reimburse the Express for his Expenses.

———

NORTHUMBERLAND COUNTY, *ss:*

Personally appeared before me the subscribers, one of the Justices of the peace in and for the said County, Thomas Parks, Constable of Shawnea Township, who being duly sworn, doth depose and say that on the first day of February, Inst., in the Execution of his Office, he attempted to Seize Two Men, viz., Daniel Earl and Henry Vost, for having Stolen goods in their Possession, and Called upon a house full of People for his assistance, but instead thereof was much beat and abused, and the

authority of the State, without Respect, Damned; that after Telling the People he was a Sworn Constable and must do his duty, that their Contempt of authority would be attended with bad Consequenecs. they Repeated their disrespectful Language of the State and its Laws, Damning both; that this present day he attempted to Disperse a Riot and Robery, and Seize the Offenders, but was not able; that his Brains has Repeatedly been Thretned to be blowed out if he served Process., so that he is not able to do his duty, and further sayth not.

THOMAS PARK.

Sworn and Subscribed before me, February 5, 1785,

DAVID MEAD.

JOSEPH GARDNER TO JOHN BAYARD.

NEW YORK, *February* 7, 1785.

DEAR SIR: I received one of your favours since my arrival here, and have wrote you stating that Connecticut has revived the old dispute about Wyoming A copy of their papers I have transmitted to council, which doubtless will be laid before the Assembly for their deliberation very soon after meeting.

Mr. Henry's arrival with the copies of the Proceedings of the State in this affair has anticipated my request that you would furnish us with them. The council having done this fully, except such as relates to the proceedings of the last Supreme Court at Northumberland and Easton.

These may be necessary, at least so far as they were published in one of the Philadelphia papers about a month ago. A few days after the arrival of Mr. Henry this matter was taken up as the order of the day, when we, without difficulty, had it postponed, sine die, and hope it will give time to the Legislature to deliberate in such a manner as will give mutual satisfaction to the parties, and do complete justice.

By all that we can learn from the delegates of Connecticut she has no serious intentions of prosecuting this dispute as a State, any more than merely to patronize her citizens (the Wyoming settlers) in their claim of soil, and even that feebly, as Dr. Johnson has told us that he neither wishes, nor can proceed in the dispute till he receives further instructions, and

that he expects an agent or agents from the settlers, and not the State.

How far the decree at Trenton has decided the right of soil, as well as Jurisdiction, is a question that professional Lawyers may differ in very much. We think that both have been determined fully.

There is evidently two parts in the decision, viz., the Lands in dispute, and Jurisdiction, both Judged to be in Pennsylvania by the Court at Trenton. If this matter comes to be seriously debated in Congress, you must see the necessity of having an agent or agents of professional knowledge of Law to combat Dr. Johnson.

Hitherto we have not been able to finish the business of appointing the additional commissioners for settling and liquidating the public accounts, although a report has been on the table many days, agreeable to the intention of the Law, which we hope will be completed in a few days.

The Report is a general one, comprehending every State having large unsettled accounts with the Publick, and when resolved upon we will take the earliest opportunity of forwarding. If it don't arrive in time I wish the operation of the Law could be suspended a few days longer, that we may have the credit of being Federal in our measures.

A British Packet arrived at the Hook on Thursday, but the mail was not brought to the city till Saturday evening last. A Report prevails that the Dutch and the Emperor have settled their dispute. No particulars, nor is it generally believed, but it is probable that the winter may afford an opportunity of negociating and perhaps terminating them.

We lodge together since Mr. Henry's arrival, and though not the most comfortable, or at a very high rate, which, together with fire, candle, liquors, &c., amount to more than we had any reason to apprehend.

We have the Honor to be
Sir, your very humble
and Obedient Servants,
WILLIAM HENRY,
JOSEPH GARDNER.

To JOHN BAYARD, Esq.,
Speaker of the General Assembly, Philadelphia.

REPLY OF THE COMMITTEE OF ASSEMBLY.

The letter of the Committee of Settlers at Wyoming to the Assembly has not been found.]

To Colonel Zebulon Butler and others, the Committee of Settlers at Wyoming:

WYOMING, *May* 6, 1785.

GENTLEMEN: We have just received your answer to ours of this morning, and were pleased in reading the first Paragraph, wherein you consider an amicable compromise as near at hand. We assure you we shall esteem ourselves happy in accomplishing so important and salutary a measure. Your answer to our first Query is somewhat satisfactory, but to the others not so. Your answer to the second is, that there never has been any Civil Officers "according to the Constitution of the State of Pennsylvania," elected in this settlement since the Decree of Trenton. We are sorry to differ from you on this head, and although we believe that many who were not Freeholders did vote, yet we must contend there were Freeholders who did vote, and that the said election was in conformity to the Constitution, as appears by the proceedings of the committee who were with you at that time and reported to the Assembly; who, therefore, established the election by Law passed the 9th day of September, 1783, in which the Justices of the Peace are particularly named. We, therefore, think you are bound, as citizens of this State, to support them in the due exercise of their authority until you can make it appear by a regular process before the proper tribunal that their appointment is contrary to the Constitution. A different conduct is certainly opposing the Laws and Constitution of this State; and we would further observe that if we are rightly informed, many of the Connecticut claimants availed themselves of the authority of those Justices, or some of them in order to claim the repossession of their houses and lots agreeable to the Law passed the 15th of September, '84, Entitled "an act for the more speedy restoring the possession of certain messuages, Lands and Tenements in Northum land Co. to the persons who lately held the same," and were thankful to them for the part they acted therein.

Your answer to our third inquiry is also unsatisfactory. You assert that no peacable inhabitant has been dispossessed of

Property or obliged to leave the settlement. In order to understand each other properly we wish to give you our idea of a peacable Inhabitant, viz., all those who held and were in possession of lands or tenements on the 10th day of May, 1784, or the time you were violently dispossessed, these people whatever right they held under, were in the peacable enjoyment of Property, and we contend ought not to be dispoiled and dispossessed, but by a regular process at Law. You, Gentlemen, complained of the injuries you received by violence and illegal conduct, and will you the moment you are restored by the Laws of the Land, countenance the same arbitrary and unconstitutional measures against another class of citizens whom you deem intruders? This must be considered as an opposition to Law and good Government. We are possessed of a petition signed by a number of respectable citizens complaining in the most spirited manner of the arbitrary and cruel conduct of certain persons here in plundering and banishing the inhabitants claiming under Pennsylvania, and this without any application to civil authority. We beg you seriously to consider where will this issue if persisted in.

Your letter concluded with asking us two questions. To the first we answer that however those people got possessed of houses or Lands, they ought not to be dispossessed of them but agreeable to Law.

Had the Connecticut claimants prosecuted them for taking violent possession we doubt not that the Laws would have determined the controversy in a proper manner. To the second we answer,

That the Legislative body look upon all persons residing within the chartered bounds of the State as citizens thereof who are bound to yield obedience to the Laws, and who are entitled while so doing to the Immunities and privileges granted them by the Constitution.

We have now, Gentlemen, only to repeat our sincere wishes that you will each one join heart and hand to put a stop to further irregularities and disorders, and that you would give us proper assurances of your determination to support the Laws and Government of the State. This, in our opinion, is the only method left to restore peace and good order to this unhappy settlement. And we doubt not that upon your so doing you will not only experience immediate benefits yourselves, but afford real happiness to many who are now suffering under former oppressions.

We pray God to direct you, and are, with due respect, Gentlemen,

Yours, &c.

THE COMMITTEE OF SETTLERS AT WYOMING TO THE ASSEMBLY.

May 9, 1785.

GENTLEMEN: We received your answer to our Letter, bearing date the 6th of May, 1785, in which you say that our answer to your first Query is somewhat satisfactory. We are sorry it was not entirely satisfactory to you, when the answer was pointed, pertinent and conclusive to your Query in our Judgment, and without any equivocation. Our answer to your second question you say is unsatisfactory to you, because we assert that there never have been any Civil Officers according to the Constitution of the State of Pennsylvania, elected in their settlement since the Decree at Trenton. In this respect you say you must dissent from us, yet allow in your letter that there were many who were not freeholders voted at the said Election, in which instance you accede to our major proposition that there never were any Civil Officers according to the Constitution elected in this settlement, because if there were many who were not freeholders voted at the said election we have reference to, then there were many at that election who voted in open violation of the Constitution of Pennsylvania, therefore made that election unconstitutional and consequently of no avail.

You further proceed and say that the said election was in conformity to the Constitution, as appears by the report of the committee.

Gentlemen, can a committee of any Body of men make that Right which is in its nature Rong?

Secondly.—You say the committee reported to the assembly, who, in consequence of that report, passed a particular act to establish the said election. If it was according to the Laws and Constitution of the State of Pennsylvania, what need was there for that Honorable Body to pass a particular act to establish the said election if it was according to the Laws and Constitution of the State of Pennsylvania?

Gentlemen, notwithstanding you implicitly acknowledge the illegality of the Election of those magistrates, yet say you think we, as citizens of this State, are bound to support those magistrates. How can we be bound as citizens to support unconstitutional measures? Gentlemen, we cannot think that you would countenance such an idea that we, as citizens of this State, are or were bound to support unconstitutional mag-

istrates, and consequently act in open violation of the Constitution of the State.

Thirdly.—You observe that if you are rightly informed many of the Connecticut Claimants availed themselves of the authority of those magistrates, or some of them, in order to claim the repossession of their houses and Lots, agreeable to the Law passed the 15th of September, 1785. In reply we say we were laid under the necessity of so doing, because they were appointed by the authority of this State, and if we had not improved that opportunity, we might have been kept out of our just possessions another year, therefore, there was no other alternative left us but either to do this or suffer greater evils and misfortunes. Therefore it was not a voluntary but an involuntary act in us; that is it was not free from constraint. Therefore where moral agency ceases, all vice and virtue of consequence cease, and, therefore, that ought not to be brought against us.

You, Gentlemen, observe in the same paragraft that we were thankful to those magistrates for the part they acted therein. Answer, we are bound to be thankful to Benefactors, but we ought first view those Justices as Benefactors before we can be thankful to them. We never did view them as Benefactors, therefore no thankfulness is due from us to them in that respect. Gentlemen, You say our answer to your third query is also unsatisfactory because we assert that no Peacable Inhabitant have never been disposed of their Property and obliged to leave their settlement. Reply, we imagine there is great difference betwixt Peacable inhabitants and Rioters, who in a most violent manner, by force and arms dispossessed the Connecticut claimants of their property, and the authority of this State have dispossessed those Rioters by a special Act for that purpose; and now those Rioters say the Connecticut people have dispossessed and spoiled them of their Property, which we deny in full. You further say that you are possessed of a Petition signed by a number of respectable inhabitants complaining in the most spirited manner of the arbitrary and cruel conduct of certain persons here in plundering and banishing the inhabitants claiming under Pennsylvania, and this without making application to civil authority. In reply we say and declare that there have been a great number of inhabitants, or rather intruders, who pretend to claim under Pennsylvania title, and who by force of arms, in a most violent manner, contrary to all Law and Constitution of all Christinized People, dispossessed the New England settlers and took possession of their houses, land and property in an hostile manner, and those settlers so forcibly dispossessed and plundered, made repeated

application to the Legislative, executive, Judicial and Civil Authority of this State, praying for the restoration of their Rights, property and possessions, agreeable to the Laws and Constitution of this State, and that the Legislative Body on the 15th of September last, did resolve that those Settlers so forcibly dispossessed should be reinstated. And we further declare that we do not know of any such persons in this settlement who pretended a claim under the possession title who have had any possessions, except such as were obtained by force of arms, and we would farther say that we are informed by the best authority, and know it to be a truth, that a great number, if not all of those persons who complain of being plundered and banished by the Connecticut Settlers are those same persons who expeled us from our possessions, robbed us of our property, &c., and then finding that the Laws of the State relative to forcible entry and detaining was likely to operate against them, fled from the Laws of their country, took of there own Property and a considerable part of ours. What part of our property they were obliged to leave behind has since failen into our hands, and yet those villains say we have robed and plundered them of their Property, which alligations we chalIing them to support.

You further say in your letter that we complain of the injuries we have received by violent and illegal conduct, and then ask the question whether we will countenance the same against a class of Citizens whom we represent as intruders. Answer, we the committee, nor the people whom we represent, never have countenanced any such thing.

Gentlemen, you conclude your letter with a requisition that we would join heart in hand to put a stop to further irregularities and disorders, and that we would give you proper assurances of our determination to support the Laws and Government of the State. In answer to you we have only to repeat our former answers to you on that head. Gentlemen, we assure you it is our determination to support the Laws and Constitution of this State.

To conclude, we believe it is the sincere effort of the State and of you, Gentlemen, to Promote Peace and Harmony in this settlement, yet can't but think it Extraordinary that you should think it's consistent with sound policy or the happiness of this settlement to continue those Magistrates in office who were imposed on the people without their consent and in violation of the Constitution and Laws of the State, and who are daily making inroads thereon by violently taking possession of land and property and detaining the same from the rightful owners in open violation of all Law,

and consequently doing great injustice to the widow, fatherless and distressed. Of whom David Meade isand was the fullest aggressor and Distressor of the widow and fatherless and Orphan.

Gentlemen, we hope you will voluntary give us our request, which is the Constitution of the State of Pennsylvania, and thereby restore Peace and tranquility to this settlement, and joy and Myrth to this State. We pray God to give you hearts susceptible of all the fealings of Humanity, and in that line we will subscribe ourselves Your most obedient and humble servants,

ZEBULON BUTLER,
JOHN P. SCHOTT,
JOHN FRANKLIN,
EBENEZER JOHNSON,
JOHN HOPKINS,
CHRISTOPHER HURLBUT.
Hon. JOHN BAYARD,
PERSIFOR FRAZER,
GEORGE SMITH,
Committee of Assembly.

DAVID MEAD TO THE COMMITTEE OF THE ASSEMBLY.

WIOMING, *May* 9, 1785.

GENTLEMEN: Most deplorable Indeed is the Present Situation of this part of the State when one hundred and Twenty Miles up and down the River as it Runs, and as far west in this Valuable part of the Country in the very Bosom of the State, is now in such Rebelion.

That the Connecticut Claimants I make no doubt before you have this, will at last Throw off the mask and Tell you they are the Proprietaries of this Country, most Capable of making Laws for themselves, Bid Defyance to the Laws of Pennsylvania and Tell you to gow about your Business.

The most Cautious intiligence of these Designs I sent to Government early in February last, which were scarcely Credited, when this Tumult could have been easily Quashed.

But now, Gentlemen, if it's the Intention of the State to Support its Dignity, I fancy you'l Believe it a Serious Business high time to Clip the growing evil, which alone Depends on the Immediate and Spirited Interposition of the State. I beg you to think of my Situation, that I have long since Regularly appropriated my Lands here agreeable to the Laws and Customs of the Country, and Peaceably Possessed myself of the

same. The Connecticut Claim to a Considerable part of my Lands, Relinquished most formally in Consequence of a Resolution of the Legislature, and Lands actually granted in here by the State and the very same Lands Taken by the Committee of the People with whom you are now Treating, and Rented to Tennants who came and Ordered my Plowmen to stop or expect to loos their Labours, which has happened since your Enquiry began. I have made very Considerable Improvements and have a large winter Crop now on the Ground. As a Citizen and a Servant of Government I have Claimed its Protection and Support as yet in Vain. I have made a Stand as yet at the Risk of my life and Property rather than flinch, and am now under the severest Threts of Being expulsed. Very Contrary from the line of my Conduct, which has been so strictly Confined to the Letter and Intention of the Law in my Administration that I wish you to Call on them to mention one Instance of Departure from my Duty.

A Considerable Number of Pennsylvania Families are now here in a most distressed Situation. Some that has Plantations up the River near Wylusing, this far on their way, who are not permited to gow up the River on any Pretense whatever, but must all Instantly remove from here.

Our late purchase is now Setling on the same Plan. Upon the whole, Gentlemen, I hope you'l now be Satisfactorily convinced that the Honour and Dignity of Pennsylvania is at Stake, and assure you that I am with every sentiment of Respect,

your most Obedient Humble Servant,

DAVID MEAD.

THE COMMITTEE TO JOHN VAN CAMPEN.

WYOMING, *May* 10, 1785.

SIR: Agreeable to your request to be inform'd of what we have done at this place, we would just tell you that after frequent Messages passing between us and the Committee appointed to transact with us, as well as Verbal Conferences, they have declared their intintions of submitting to the Laws and Government of the State.

We are sorry to say we have not that satisfaction which we expected. But we hope upon seriously considering their situation they will submit; the matter will soon be brought to

issue. In the meantime we earnestly recommend to all the Pennsylvanians who have been driven off, to cease from all illegal Measures and to pursue imediately those that are agreable to Law for redress of their grievances, and we doubt not in so doing they will have the firm support of Government. We are just setting off for Northumberland and expect to return to Philadelphia in 6 or 7 days.

We are &c

DAVID MEAD TO THE COMMITTEE OF THE ASSEMBLY.

WYOMING, *May* 11, 1785.

GENTLEMEN: From a multitude of applications this morning I issued a precept against Eb'n Johnson and John Gansy, in a Case so plain, I thought it most likely to take on complaint of a woman whose Cow was lately taken by violence. An act like that I expected the people most ready to bear their testimony against, on the other hand great declarations of dislike has been made against the glaring conduct of this Johnson.

Inclosed I transmit You a note to Colonel Butler and Captain Shott in particular, for support by which and their answer you will be fully satisfyed; for excuse they doubt my authority. I believe I mentioned to you that numbers of precepts are now here issued by Magistrates in Sunbury and Northum'd Town not complyed with, but what excuse for non-submission to the process of the Judges of the Supreme Court. I have just received information that a party is now collecting to drive and distress the few Pennsylvanians left. I propose sending Mrs. Mead and Children instantly out of the way and stand myself as long as any kind of prudence will dictate; in the meantime by your answer I expect to find wether I am to be protected or not in any reasonable time; if not I beg that on your arrival at Philadelphia this letter be presented to Council as a token of my resignation, and that I request the same may be Rec'd.

I am in the meantime, Gentlemen, with the greatest respect,

Your most Humble Servant,

DAVID MEAD.

N. B.—Since the conclusion of this letter, I this minuit rec'd the most dreadful acc'ts of disorder commencing by the most horrid distress of the few families yet here, and I am in fear of bloodshed soon, tho' you may rest assured that I shall spare no pains to convince the people to seek no other than legal redress.

D. MEAD.

WYOMING, *May* 11, 1785.

SIR: Yours of the present date came to hand, Observed the Contents, find our influence is lost, as the people deny you having any legal authority to act until it is proved that you were legally elected.

We are &c.,

ZEB. BUTLER,
JOHN P. SHOTT.

DAVID MEAD, Esq.

WYOMING, *May* 11, 1785.

GENTLEMEN: The Constable of Stoke this inst. reported to me that Ebenezer Johnson and John Gansy are his regular prisoners on a charge of Robbery; that they have rescued themselves in the most violent manner, to wit, by a Cocked pistol at his breast with the most severe threats, and is now under the necessity of support, therefore hope you will use your influence and exertions to deliver the offenders in safe Custody again, as you know the duty of the people in such Case.

I am Yours,

D. MEAD.

DAVID MEAD TO JOHN BAYARD.

WYOMING, *June* 10, 1785.

HONOURED SIR: I had the pleasure to Receive your Letter of the Third Instant, in which you mention your hopes that the Supreme Court Setting in this County may have a Good effect, in answer to which at present I can only make a few remarks and leave you to guess the event.

Not one of the Connecticut Claimants who were under Recognizance for their appearance at our Supreme Court have appeared to save their Bail, neither have any of those against whom the Process Issued by our Supreme Judges surrendered themselves to the Sheriff. In fact I Believe they are pursuing the same Object of that when you were here, Tho' a Different kind of Policy seems to prevail at present.

The few Pennsylvania Families that were not Ousted when you were here were obliged to Fly about the time of my last Letter to you at Northumberland. The Sheriff is now here in Order to apprehend those who he has Process against, but

I understand they are Goan to the Bush, and the Others pretend submission, so that most Deplorable is the present aspect.

However, I shall write to you again in a few Days, and in the meantime hope you'l Inform me of the sentiment of Government on this Occasion, with your advice in my difficult Situation.

While I remain with every sentiment of Respect your Honor's most Obedient Humble Serv't,

DAVID MEAD.

The Hon'ble JOHN BAYARD, Esq'r.

N. B.—Since the close of this Letter I have had the pleasure to see the Sheriff with four of those Offenders in Custody.

DAVID MEAD TO THE PRESIDENT OF THE STATE.

PHILADELPHIA, *August* 1, 1785.

His Excellency the President and the Supreme Executive Council:

GENTLEMEN: The address and Petition of the subscriber, a Citizen, a Member of the Society and servant of the Commonwealth, most respectfully sheweth,

That his singular situation is such that in the fullest Confidence of the Benefit and Protection of the Laws of the State he has Legally Possessed himself of and Cultivated his Property under the Authority, Title and Protection of your Government, much of his goods is Taken from him by Violence, his House reduced to the Nature of a Garrison by a Lawless Bandity. He has Taken Process against many of the Offendors, tho' to no purpose, and has applyed for the Relief and support of Government as yet without success.

Therefore your Petitioner, a Member of the Community always ready to Contribute his Proportion towards the expense of Government or yield his Personal service when required, once more Begs your Immediate Interposition for his relief agreeable to the Laws of the Land, or Devise such Other Measures as in your Wisdom may be thought most Proper to put him on a footing with your Other Citizens, save his house from becoming a Sacrifise to Villins, Reimburse him for his expenses furnishing enteligence, sending expresses, &c.

And your Petitioner as duty Bound will Pray,

DAVID MEAD.

CAPTAIN SHRAWDER TO COLONEL BALLIET.

May 11, 1786.

SIR: As you have been so kind as to undertake the Settlement of my Provision Acc't, I will endeavour to convey as clear an Idea thereof as I can.

Sometime in June, 1783, Mr. Weitzel, the Contractor for the Pennsylvania ranging Companies at Wyoming, acquainted me by his Issuer to forward him the Returns till the last of June, in Consequence whereof he received Robinson's and my own.

Mr. Weitzel's issuing Commissary left Wyoming the 29 or 30 of June. He had nothing but a little flour on hand then; he therefore spoke before his Departure to one Abel Yarenton, an Inhabitant of Wyoming, to procure Provisions until Mr. Weitzel would send him up again with a fresh Supply, which would be very shortly.

Yarenton tried to purchase, but got none for want of Money. In this Dilemma he came to me with this Report.

The President's Orders of March, '83, commanded me to maintain that Post, and when I came to Philadelphia in May following I represented to Council that the Soldiers were unruly and claimed their Discharges, as they heard and saw those of the Continental Army return home. General Irvine and some other members desired me then to try to keep the men together. I therefore looked upon myself as in Duty bound to exert myself in procuring Provisions, and purchased them on my own Acc't, but as my troublesome and precarious Situation would not permit me to leave my Post to purchase to the best advantage, I had to pay a high Price for it. I had to get superfine flour for want of other in Northampton County, and paid twenty Pounds for the Transportation of two Loads. I sent also several Times Horses to fetch from Northampton and paid 20 per Horse, which I forgot to include in my Acc't.

In August I went to Sunbury to urge Mr. Weitzel to forward Provisions with the greatest Expedition to Wyoming and shewed him my Acc't of Purchases. He then informed me that there were at that Time a Boat on the Way up with some flour for the Garrison, but as my Purchases came high he said he would have nothing to do with the Contractorship.

So circumstanced I felt much perplexed, I knew not what to do, but meeting Fred'c Antes, Esq., of North'd, he kindly advanced me a Sum of Money and on my Return to Wyoming I

dispatched Lieutenant Erb to Philadelphia, acquainting His Excellency the President with my Situation. I then rec'd £300 from Council.

Some time after I rec'd a Letter from the Hon'ble General Armstrong informing me that I was appointed Captain in Colonel Moore's Corps of P. Infantry, charging me at the same Time to Keep it secret from the Officers and Men, and to be vigilant in maintaining my Post and not to leave it by any Means, and after the arrival of Colonel Moore I durst not quit it again to look after my affairs. When I desired Captain Robinson to give me Returns for the Provision of his Comp'y he informed me that he had given them to Mr. Weitzel, who, on producing them at Philad'a rec'd the Pay for the Provisions of his Comp'y. So that I have now to look only to Captain Robinson for the Provision issued to his Comp'y by my Purchasing.

Thus you see, Sir, by this long Memorandum that I did not of Choice become a Commissary, but by mere Necessity.

Last Summer Mr. van Campen took my Acc't and Muster Roll to Philad'a, but as Mr. Nicholson then was very busy and Mr. van Campen had no Time to stay, they were laid by in the Compt'r Gen's Office.

When I settled for my Comp'y there was then by Mr. Nicholson's Settlement due me £479 19 5, besides thirty ought Pounds Recruiting Money.

I would beg to represent my Case and prevail on Council if possible to allow me out of the £300 the Amount of my Acc't, and after deducting the Ballance against me out of my Pay, to receive a Certificate for the Remainder in my favour and also the recruiting Money.

I am with the highest Esteem, Sir,
Your most obedient and humble Serv't,
PHIL. SHRAWDER.

Memorandum for the Hon'ble Stephen Balliet, Esq.

JOHN FRANKLIN TO WILLIAM MONTGOMERY.

WYOMING, *June* 26, 1786.

SIR: I have had the perusal of your letter to Mr. Myers of the 22d Inst. As you made mention of my name with great reflections I think proper to return you an answer. I think your letter very Extraordinary. You undertake to tell us what

Congress have done, what the Susquehanana Company has consented to, &c., and what his Excellency the President has authorized you to inform us of.

You tell us that Congress have resolved to grant a tract of Country Northward of Pennsylvania and Westward of New York State on Lake Erie, to the Susquehanna Company in lieu of a relinquishment of their (viz., the Company's right), and that the Susquehanna Company and all parties are satisfied with the same.

I must tell you, sir, that we are not unacquainted with the resolutions of Congress, or proceedings of the Susquehanna Company; your representations are inconsistent with truth.

The votes of the Susquehanna Company of the 17 of May last may convince you of their intentions. A copy of said vote I send enclosed

You tell us that you expect the Wise and Virtuous amongst us will avail themselves of the kind intentions of Government and thereby secure the benefits of your free, equal and happy Constitution. I would wish to be informed wether the removal of six thousand souls from their justly acquired habitation at Wyoming to be fixed among the Natives at Lake Erie is to such Emigrates the enjoying the benefits of your free and happy Constitution, or whether your Constitution and right of Government extends to a Territory Northward of your State and Westward of New York.

You Query whether it will satisfy Allen and Franklin and their adherents to give up their farms (that I never imagined, it is a wrong representation), which they have justly acquired and cultivated at Wyoming, to Pennsylvania Land Schemers and run our chance of having wild Lands on the hunting grounds at Lake Erie; be assured, sir, it's no Query in my mind. I expect to enjoy my Lands here, unless legally removed by a regular course of Law had before a proper tribunal.

You Query that whether after all that the wisdom and forbearance of Government can do for us, we must be a people devoted to hardships, danger and devastation. I wish you had explained yourself more fully on that head, whether you mean the forbearance that you saved some part of our women and children alive at the time you expelled us from this Country by an armed force in the year '84, or whither by giving us Liberty to have a being in that part of God's world on the waters of Lake Erie. Wonderful forbearance indeed. You threaten us with devastation in case of our non-compliance, but let me tell you sir, that we disregard your threats.

You tell us you are authorized by a letter from his Excellency the President to inform us of the resolution of Congress and

the assurances of protection from the Government. I would inform you that I have his Excellency's letter of the 12th Inst., now before me (This is wrong represented, what I wrote about Congress; I said I had from good authority about protection I had from Council). The assurances given us by his excellency and Council give us the greatest satisfaction, but his excellency does not inform us of the appointment of a substitute at Northumberland to acquaint us of the good intentions of Government, &c.

You also recommend that we demean ourselves as good citizens and not be drawn from our allegiance by the wild schemes of men who live by fishing in troubled waters; that these men when distress ariseth will leave us to shift for ourselves and hunt out a new scene in which to exericse their unhappy talent. To which I answer, it ever has been and still is our desire to demean ourselves as good Citizens and would wish to be protected as such, though we are sorry to say we have never yet enjoyed the benefits of your Constitution, though solemnly plighted to us.

You pretend to be afraid that the people here will be drawn from their allegiance by the wild schemes of men who live by fishing in troubled waters. Had you been honest you would have said you was afraid that the exortations of the wise, righteous and just will have such deep impression on the minds of the good people at Wyoming as will induce them to stand forth in their defence in a just and righteous cause, and overthrow the hellish schemes of the Land monopolizers, who wish to destroy the Yankees from the face of the Earth that they may enjoy the Lands our hands have cultivated and our blood enriched.

You further pretend to be afraid the wild schemers (as you term) will leave the people at Wyoming when danger ariseth. I believe, sir, it's your sincere wish that the wise and virtuous would withdraw that you might thereby have a better opportunity of drawing the more ignorant and innocent people into a snare and persuade them to give up their all for a Rattle Box. I then Query whither you would not cheat that from them, provided the honor of land schemers only could be pledged for the delivery thereof. But be assured, sir, the wise and virtuous will not withdraw. We have been inured to dangers, hardship and devastations; we have been too often deceived by your people, the land schemers as well as by some of the Officers of the Government, who made great pretension of Honesty, Justice and Friendship, and whose fair words and flattering speeches are not to be believed, for thus saith the Lord, their hearts are full of all manner of abominations.

You tell us of a removal by Congress from your State, then advise us to avail ourselves of the kind intentions of Government and secure the benefits of your Constitution, embrace the offered mercy, relinquish our all to land schemers and take Lands at Lake Erie. Pray, Sir, view the inconsistency of your letter. How in the name of God do you expect to protect us by your Constitution when we are out of your State? You tell of fishing in troubled,—it reminds me of the words of Nathan to King David (thou art the man). Let me tell you sir, that we esteem ourselves capable of transacting our own business and would advise you to avail yourself of the late votes of the Susquehanna Company and thereby secure your land.

I wish for Peace on just and honorable terms, and am sir,

your humble servant,

JOHN FRANKLIN.

N. B.—The benevolent intention of the Company to your settlers, and particularly to yourself, is to the disadvantage of my honor'd Father, who is the sole owner of those lands you claim at Mahonen.

———

At a Meeting of the proprietors of the Susquehannah purchase of Lands, legally warned and held at Hartford, May 17, 1786.

Col. GAD STANLEY, *Moderator.*

VOTED, That all persons settled under the authority of the State of Pennsylvania, and not actually inhabiting upon that tract of the country on the westerly waters of the Susquehannah river, and purchased of the natives by the company call'd the Susquehannah company, be and the same are hereby fully established and confirmed in the full and absolute possession of the lands by them actually possessed under the said State of Pennsylvania.

VOTED, That this company conscious of the equity of their title to the lands bona fide purchased of the natives, and situate upon the waters of the river Susquehannah, will support and maintain their claim to the lands aforesaid, and effectually justify and support their settlers thereon.

VOTED, That Samuel Gray, Esq., Col. Thomas Dyer and Col. Ebenezer Gray be, and they are hereby appointed a Committee with full power and authority to make out a list of all such persons as are proprietors of said company, and have paid taxes agreeable to the votes of said company, and that all persons that have neglected and shall neglect to pay the same by the first day of September next, shall, and the same are hereby

excluded from any right, interest or property within the territory aforesaid—the said list of proprietors to be completed by the first day of September next.

Extract from Records.

SAMUEL GRAY, *Clerk.*

THE CONFIRMING LAW OF 1787.

An act for ascertaining and confirming to certain Persons called Connecticut claimants, the Lands by them claimed within the County of Luzerne, and for other purposes therein mentioned.

SECTION 1. *Whereas*, an unhappy dispute for many years subsisted between the province and State of Pennsylvania on one part, and the Colony and State of Connecticut on the other part, relative to certain lands within the charter boundary of Pennsylvania, but which were claimed by Connecticut, as falling within the limits of her charter, which dispute was finally terminated by the decree of the Court of Commissioners at Trenton, on the thirtieth day of December, one thousand seven hundred and eighty-two, in the mode prescribed by the articles of Confederation of the United States, by which decree the question between the two States was decided in favour of Pennsylvania; *And whereas*, before the termination of the said claim of Connecticut, a number of its inhabitants with their associates settled upon and improved divers tracts of land lying on or near to the Northeast branch of the river Susquehanna, and the waters thereof, and now within the County of Luzerne; *And whereas*, parts of the same lands have been claimed under titles derived from the late proprietaries of Pennsylvania, and these interfering claims have occasioned much contention, Expense and bloodshed, and this assembly being desirous of putting an end to those evils by confirming such of the Connecticut claims as were acquired by actual settlers prior to the termination of the said dispute, agreeably to the petition of a number of the said settlers, and by granting a just compensation to the Pennsylvania claimants; *And whereas*, the lands aforesaid, claimed by the Connecticut settlers have been usually assigned to them in rights, or lots, of about three hundred acres each, which rights, or lots, have either been entire or in two or more divisions; therefore,

SECTION 2. *Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the Commonwealth of Pennsy-*

vaniia in General Assembly met, and by the authority of the same, That all the said rights, or lots, now lying within the County of Luzerne, which were occupied or acquired by Connecticut claimants, who were actually settlers there at or before the termination of the claim of the State of Connecticut, by the decree aforesaid, and which rights, or lots, were particularly assigned to the said settlers prior to the said decree, agreeably to the regulations then in force among them, be and they are hereby confirmed to them and their heirs and assigns; *Provided*, that all the claimants whose lots are hereby confirmed, shall, by themselves, guardians, or other lawful agents, within eight months next after the passing of this act, prefer to the Commissioners hereinafter mentioned their respective claims to the lots aforesaid, therein stating the grounds of their claims and sufficiently describing the lots claimed, so that the same may be made known and ascertained, and support the same by reasonable proofs.

SECTION 3. *And whereas*, it will be necessary to institute a summary mode of ascertaining and establishing the right of each claimant, Be it further enacted by the authority aforesaid, that Peter Muhlenberg, Timothy Pickering and Joseph Montgomery, Esquires, be and are hereby appointed Commissioners for the purposes hereinafter expressed and declared: and in case of death, absence or refusal to serve, of any or all of the said Commissioners, the Supreme Executive Council are hereby authorized and required to supply the vacancy or vacancies occasioned thereby by other new appointment or appointments.

SECTION 4. And be it further enacted by the authority aforesaid, That the said Commissioners shall repair to the County of Luzerne within two months, next after the passing of this act, and at such place within the same county and at such time as the said Commissioners shall appoint to meet together, for the purpose of receiving and examining the claims of all persons to the lots intended by this act to be confirmed, and the said Commissioners are hereby empowered to adjourn their meeting from time to time, and to such places within the said county, as they shall judge best for the proper and speedy Execution of their Commission: and that all persons interested in the said lots may be duly notified to make and support their claims thereto, within the time prescribed by this act; the said Commissioners shall cause it to be published in one or more of the newspapers printed in Pennsylvania and Connecticut, with an advertisement subjoined, Expressing the time and place proposed for their first meeting, and copies of this Act, and of the said advertisement, shall also be posted up at

sundry places within the said county, for the information of the inhabitants. And the Examination of the said claims shall be by witnesses, on their oaths or affirmations (which the said Commissioners are severally empowered to administer), and such other Evidence as shall be produced to the said Commissioners, or which they can obtain. And of such claims as shall be supported by evidence satisfactory to the said Commissioners, or any two of them, there shall be made a fair entry, in which the lots so claimed shall be described, and in such a manner that the same may be clearly known and ascertained. *Provided*, that where two or more claims of Connecticut claimants to the same lot shall be presented, and it shall appear to the said Commissioners by satisfactory evidence that the same lot ought to be confirmed, agreeably to the meaning of this Act, they shall make a fair entry thereof as aforesaid, and if the several claimants agree to submit their claims to the determination of the said Commissioners, they shall proceed to hear and determine the same accordingly, but if they do not thus agree, either of the claimants may prosecute his claim in the proper court of law, as in ordinary cases of contested titles.

SECTION 5. And be it further enacted by the authority aforesaid, That the said Comissioners be, and are hereby authorized to appoint a surveyor or surveyors to survey all the lots aforesaid of the Connecticut claimants, and the surveys thereof shall be returned to the said Commissioners for their information and assistance in prosecuting their enquiries and Examinations; the surveys of such of the said lots, the claims to which shall be admitted by the said Commissioners, shall by them be afterwards returned, together with their book of entries describing the same, to the Supreme Executive Council, who shall cause patents to be issued for their confirmation, and each patent shall comprehend all the parcels of land which are to be confirmed to the same claimant or joint claimants, to whom by the return of the Commissioners aforesaid, the same shall be found to belong, and for each patent there shall be paid to the Secretary of the Council the sum of twenty shillings. And the said surveyors shall appoint proper persons for their chain carriers and markers, and the surveyors, chain carriers and markers shall severally be sworn or affirmed before a Justice of the Peace, or one of the said Commissioners, faithfully to perform their respective duties; and they shall be allowed a reasonable compensation for their services, to be fixed by the said Commissioners, and paid by the claimants aforesaid, whose claims to the lands so surveyed shall be admitted as aforesaid, and upon whom the same shall be apportioned by

the said Commissioners in the manner they shall judge most equitable.

SECTION 6. And be it further enacted by the authority aforesaid, That each of the said Commissioners, before he acts under his commission, shall take an oath or affirmation before one of the Members of the Supreme Executive Council or a Judge of the Supreme Court, diligently to proceed in the business of his commission, and well and truly to hear and determine upon all claims and questions which shall come before him, in pursuance of this Act, without favour, affection or hope of reward.

SECTION 7. And be it further enacted by the authority aforesaid, That the said Commissioners be and they are hereby authorized to appoint a suitable person for a clerk, who shall before them be sworn or affirmed, faithfully to register all the proceedings of the said Commissioners, in pursuance of this Act.

SECTION 8. And be it further enacted by the authority aforesaid, That there be allowed and paid out of the public treasury to each of the said Commissioners Twenty shillings per day, and to the said Clerk Fifteen shillings per day, for each day they shall be employed in performing the duties required of them by this Act.

SECTION 9. *And whereas*, the late Proprietaries and divers other persons have heretofore acquired titles to parcels of the lands aforesaid, agreeably to the laws and usages of Pennsylvania, and who will be deprived thereof by the operation of this Act, and as justice requires that compensation be made for the lands of which they shall thus be divested, and as the State is possessed of other lands in which an equivalent may be rendered to the claimants under Pennsylvania, and as it will be necessary that their claims should be ascertained by a proper examination, Be it therefore enacted by the authority aforesaid, That all persons having such claims to lands which will be affected by the operation of this Act, shall be and they are hereby required, by themselves, guardians or other lawful agents, within twelve months from the passing of this Act, to present the same to the Board of Property, therein clearly describing those lands, and stating the grounds of their claims, and also adducing the proper proofs, not only of their titles, but of the situations, qualities and values of the lands so claimed, to enable the Board to judge of the validity of their claims, and of the quantities of vacant lands proper to be granted as equivalents.

And for every claim which shall be admitted by said Board, as duly supported, the equivalent by them allowed, may be

taken either in the old or new purchase, at the option of the claimant; and warrants and patents and all other acts of the public offices relating thereto, shall be performed free of Expense. The said Board shall also allow such a quantity of vacant land to be added to such equivalent as shall in their judgment be equal to the expences which must necessarily be incurred in locating and surveying the same. And that the Board of Property may in every case obtain satisfactory evidence of the quality and value of the land, which shall be claimed as aforesaid, under the proprietary title, they may require the Commissioners aforesaid, during their sitting in the said County of Luzerne, to make the necessary enquiries by the oaths or affirmations of lawful witnesses to ascertain those points; and it shall be the duty of the said Commissioners to enquire and report accordingly.

Signed by order of the House,

THOMAS MIFFLIN, *Speaker.*

Enacted into a law at Philadelphia, on Wednesday, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven.

PETER ZACHARY LLOYD,
Clerk of the General Assembly.

The Vote on the Foregoing Act.

Yeas.

William Will, City of Philadelphia.
Robert Morris, City of Philadelphia.
Thomas Fitzsimmons, City of Philadelphia.
George Clymer, City of Philadelphia.
Jacob Hiltzheimer, City of Philadelphia.
Isaac Gray, County of Philadelphia.
William Robinson, Jun., County of Philadelphia.
John Salter, County of Philadelphia.
George Logan, County of Philadelphia.
Samuel Foulke, Bucks county.
Gerardus Wynkoop, Bucks county.
John Chapman, Bucks county.
Valentine Upp, Bucks county.
James Moore, Chester county.
Richard Willing, Chester county.
Robert Ralston, Chester county.
Samuel Evans, Chester county.
Richard Thomas, Chester county.

Townsend Whelen, Chester county.
Alexander Lowrey, Lancaster county.
Adam Hubley, Lancaster county.
Joseph Work, Lancaster county.
George Ross, Lancaster county.
David McConaughy, York county.
Michael Schmyser, York county.
David McClellan, York county.
Joseph Lilley, York county.
Henry Tyson, York county.
Adam Eichelberger, York county.
Daniel Clymer, Berks county.
Peter Trexler, Jun., Northampton county.
John Canan, Bedford county.
Hugh H. Brackenridge, Westmoreland county.
Charles Moore, Montgomery county.
Samuel Wheeler, Montgomery county.
Jacob Reiff, Montgomery county.

Nays.

Robert Whitehill, Cumberland county.
Thomas Beale, Cumberland county.
Thomas Kennedy, Cumberland county.
David Mitchell, Cumberland county.
Gabriel Hiester, Berks county.
David Davis, Berks county.
Robert Brown, Northampton county.
Peter Burkhalter, Northampton county.
John Piper, Bedford county.
Joseph Powell, Bedford county.
Frederick Antes, Northumberland county.
Samuel Dale, Northumberland county.
William Findley, Westmoreland county.
James Barr, Westmoreland county.
Alexander Wright, Washington county.
John McDowell, Washington county.
John Flenniken, Washington county.
James Allison, Washington county.
Theophilus Philips, Fayette county.
John Gilchrist, Fayette county.
Abraham Smith, Franklin county.
Robert Clark, Dauphin county.
Jacob Miley, Dauphin county.

ADDRESS OF CAPTAIN JOHN JENKINS AT FORTY FORT IN FEBRUARY, 1787.

We will gladly accept any proposition that will bring peace, quiet us in our possessions and protect us in our titles. This is all we ask now; it is all we have asked from the beginning. Suppose we accept of the terms proposed, what guaranty have we that Pennsylvania will keep her plighted faith? She has forfeited her honor to us time and again. If we accept the provisions of the proposed law, when she finds we are tied hand and foot, she will repeal it and leave us again without remedy or hope, except in ourselves. We have repeatedly had assurance of the desire of Pennsylvania to have this controversy settled, but the measures proposed and the men sent here to effect such settlement have shown us that they will never be satisfied except with our expulsion from our lands, and our total ruin, which we will never agree nor submit to. Our fathers have been imprisoned, robbed and whipped by the Pennsylvanians; our public papers have been wickedly taken from us; they have plundered our settlements, burnt our towns, taken the lives of our friends and brethren; driven our old men, women and children into the wilderness at the point of the bayonet, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages and totally unworthy the lead of a civilized State or nation. We have petitioned in our most humble terms for a redress of our grievances, and to be secured in our property, our lives, and our possessions, and our petitions have been treated with insult and contempt, and been rejected. They still continue in their endless persecution with obstinate fury and uncontrollable oppression.

And yet in the face of all these facts, all this perfidy, all these crimes, we are again called upon by their perpetrators to give up our titles, and all claims and rights under them, and rely upon the clemency of Pennsylvania for any future titles or rights to our lands. God forbid that we should be foolish enough to do anything of this kind. The blood of the martyrs who have fallen in defence of our rights would cry to us from the ground should we permit their widows and orphan children to be driven from their home and possessions out into the wide world to perish or become a public burden.

What new plan do they propose to us now? Nothing but to

quiet us in our possessions for a short period until we give up our titles and they can devise and put into execution some new plan for our expulsion. We have too often experienced the bad faith of Pennsylvania to place confidence in any new measure of her Legislature, and if they shall enact a quieting law they will repeal it as soon as the Connecticut settlers submit and are completely saddled with the laws of the State. What security have we if we comply with their proposals and put ourselves in their power, that the State will not repeal the law and deal as treacherously with us as in the case of Armstrong?

The only safe course for the settlers to pursue is to stand by their titles and possessions until Pennsylvania shall find it to be her interest to do them justice by acknowledging their rights and establishing them through proper legislation. Whenever she shall do this, there will be an end of the controversy. If it be the disposition of the General Assembly of Pennsylvania to do us justice, as stated by Colonel Pickering, she can do it in that way and thus end all further trouble and annoyance to either party. But the proposal is to bind us and leave Pennsylvania free, to have us surrender our titles and trust to Pennsylvania for another, and, as the gentleman says, a better title. This we will never submit to. We have fought too long and shed too much of the blood of our best inhabitants, and sacrificed too much in defence of our titles and possessions to tamely yield them up to the threats or entreaties of Pennsylvania, and we will never do it. All we ask is justice, and that is in her hands to grant at any moment. If she will not grant us this she must put up with the consequences.

REPORTS ON LUZERNE LANDS

(No. 1.)

September 21, 1787.

The Honorable the Board of Property:

GENTLEMEN: We have received the general order of your Board dated the 7th day of July last, and your particular request of the 10th instant, relative to the claims of Mr. David Mead to lands within this County, and in conformity therewith make the following Report:

To avoid tedious descriptions in every case we think it expedient to throw the different sorts of land into classes and

estimate their annual average product under the common cultivation of Farmers in general, and without manuring.

1*st Tillage.*—Land of the first quality is to be considered as producing by the acre, 20 bushels of Wheat, or of Rye, or 30 bushels of Indian Corn, or 200 lbs of flax, and meadow land of the first quality as producing 2 Tons of English hay per acre.

2*d Tillage.*—Land of the second quality as producing 20 bushels of Indian Corn, or 15 bushels of Wheat or Rye, or 100 lbs of flax per acre, and meadow land of the second quality as producing one Ton of English hay per acre.

The other kinds of land may most accurately be estimated by considering their proportionate value compared with land of the first or second quality.

On these principles we have obtained information upon oath relative to the lands claimed by Mr. David Meade, and find that his surveys, numbered 32 and 33, lying together below the Town plot of Wilkesburgh containing, viz.:

Of the 1st quality about { 20 acres of meadow land. / 40 do. Tillage do.
do. 2d do. do. { 140 do. Tillage do. / 20 do. meadow do.
do. 3d do. do. 50 do. pasture and woodland, worth about two-thirds as much per acre as land of the second quality.

The value of this land is not so easy to Estimate, very little land in the settlement having been sold. One piece of flat of the first quality in Wilkesburgh sold last winter at about 52s. 6d. an acre: another piece of like quality has lately been bargained for at 80s. per acre.

To fix a market price more sales would be requisite. If we attempt to set its ready money value we shall substitute conjecture in the place of substantial facts, and those above stated we believe will be considered by your Honorable board as better grounds on which to estimate an equivalent than our own opinions.

We have the Honor to be
Your most Ob't Servants,
Timothy Pickering,
Wm. Montgomery,
Stephen Balliet.

(No. 2.)

To the Honorable the Board of Property:

Gentlemen: We have made inquiry, as the law directs, relative to the lands claimed by David Meade, Esq., in Lack-

awanack or Pittstown, of which he produces a survey of 295 acres and allowance. This survey contains about 25 acres of meadow land, which when cleared may on an average produce 26 cwt. of English hay per acre annually, and about 270 acres of rough woodland, very little of which will admit of cultivation, but has growing on it white oak, black oak and hard pine, of which the latter would yield some saw logs.

We also find there is a commodious Mill-seat on a branch of Lackawanack running through this survey, and about thirty rods above its junction therewith.

After a deliberate consideration of the whole of our evidence relative to this claim we are of opinion that the said land and Mill-seat are of the value of about Two hundred pounds.

We have the Honor to be
Your most Obed't Servants,
TIMOTHY PICKERING,
STEPHEN BALLIET,
WM. MONTGOMERY.

(No 3.)

The Honorable the Board of Property:

GENTLEMEN: We have made inquiry, as the law directs, relative to the lands claimed in this County by Robert Martin, Esqr., and find that the lot he claims below the Town plat of Wilkesburgh contains about 25 acres of meadow land and about 10 acres of tillable land of the first quailty and about 35 acres of the second quality, and from ten to fifteen acres of pasture and woodland of about two-thirds of the value of land of the second quality. And that the lot he claims above and including a part of the Town plat of Wilkesburgh, contains about ten acres of meadow of the first quality and about 15 acres of about the five-eights of the value of land of the second quality. The upper line of the lot first above mentioned is struck by Wilkesburgh river road, about forty rods below the Town plat. To enable your Honorable Board to fix the value of these lands we beg leave to refer you to our first report of this day on the claim of Mr. David Meade. We have the Honor to be, Your most Obed't Servants,

TIMOTHY PICKERING,
STEPHEN BALLIET,
WM. MONTGOMERY.

(No. 4.)

The Honorable Board of Property:

GENTLEMEN: We have made inquiry, as the law directs, relative to the lands claimed by Joseph Salmon in behalf of the

heirs of John Salmon, deceased, lying in Nanticoke or Hanover, about two miles and a half below the Town of Wilkesburgh, and find that it contains about 140 acres of the first quality and 72 acres of the second quality, including an Island called Buttonwood island.

To enable your honorable Board to fix the value of these lands we beg leave to refer you to our first report of this day on the claim of Mr. David Meade.

We have the Honor to be
Your most Obed't Servants,
TIMOTHY PICKERING,
STEPHEN BALLIET,
WM. MONTGOMERY.

(No 5.)

The Honorable the Board of Property:

GENTLEMEN: We have made inquiry, as the law directs, relative to the claims of David Fowler, and Report that the land claimed and shewn by said Fowler lies on both sides of Toby's Creek, in Kingston, on the west side of the River, about one and a half miles from Wilkesburgh, and consists of about one hundred acres of good upland, and sixty acres of good meadow, the whole of four-fifths of the value of land of the first quality, described in our first report on David Meade's claims.

(No 6.)

We also report on the claims of Dr. William Plunkett; that the land claimed and shewn as his property lies on Toby's Creek, in Kingston, about one mile and three quarters from Wilkesburgh, and consists of about 70 acres of good upland and 50 acres of good meadow, each of four-fifths of the value of land of the first quality, described in our first report above mentioned, and of about 40 acres of one-fifth the value of the two former parcels.

We have the Honor to be
Your Obed't Servants,
TIMOTHY PICKERING,
STEPHEN BALLIET,
WM. MONTGOMERY.

P. S.—The claim of Dr. Plunket is said to be in the right of George Field.

(No. 7.)

September 22, 1787.

The Honorable the Board of Property:

GENTLEMEN: We have made inquiry, as the law directs, relative to the claims of Wm. Maclay, Esq., in right of Joseph

Wheeler, and Report that the land claimed and shown to be the right of said Wheeler, situate on the west side of the River in the upper part of Shawanee or Plymouth, three miles and a half from Wilkesburgh, consists of two-third parts thereof of the first quality and the remainder of the second quality, containing in the whole by information, one hundred and nine acres and 116 p. ; for determining the value of these lands we beg leave to refer your Honors to our first Report of yesterday.

We have the Honor to be

Your most Obed't Servants,

TIMOTHY PICKERING,
STEPHEN BALLIET,
WM. MONTGOMERY

MEMORIAL OF THE PENNSYLVANIA LANDHOLDERS.

[Read November 23, 1787.]

To the hon. the general Assembly of the commonwealth of Pennsylvania, the representation and petition of sundry Landholders in the County of Luzerne :

Your petitioners beg leave to represent that they have the most serious apprehensions for their property and for the peace of the State in consequence of a clause introduced into the bill relating to that county now depending before your hon. house ;

That they conceive the laws last past on that subject are of the Nature of a solemn compact between this independent State and a body of citizens of another independent State connected with and acknowledged by this commonwealth ;

That in the present state of the finances of Pennsylvania they fear the expence of a large and permanent force will be necessary to crush an opposition rendered more firm and determined by breach of public faith, destructive of all confidence in this government ;

That the law of 1787, by dividing the opposition, has rendered the business of reducing the *late* intruders easy, certain and much less expensive to Pennsylvania than any other mode that can be adopted ;

They, therefore, most earnestly pray your hon. house not to alter in any particular the footing on which the actual residents in the County, before the decree of Trenton, were placed, as they are perfectly convinced and satisfied that it will ren-

der nugatory any compensation the State may offer to the Pennsylvanians, and finally prove the most injurious and expensive mode that can be pursued.

They beg leave further to pray that an attention to compensating their just demands on the State may not so far influence the honorable house as to induce to take any measures at this time in their favor, if it is to lead the legislature into a breach of the sacred obligations of public faith.

SAM'L MEREDITH,
TENCH COXE,
REUBEN HAINES,
TENCH FRANCIS,
LEVI HOLLINGSWORTH,
JOHN SITGREAVE,
THO'S AFFLECK.

OBSERVATIONS OF THE ROAD COMMITTEE.

Observations by the committee of the land-holders on the utility and importance of the roads proposed to be laid open in Northampton and Luzerne.

It is of consequence to the public, as well as the land-holders, that an adequate idea should be formed of the importance of having roads laid out and opened in the counties of Northampton and Luzerne, between the rivers Delaware and Susquehanna.

If the expence to the public be an objection, we are fortunate in having thought of an adequate means of obviating it. Let us suppose seven hundred and fifty pounds to be granted in aid of the plan. Sixty tracts of four hundred acres each, at the rate of the old purchase, being ten pounds certificate per hundred acres, and five pounds per tract for warrants and patents, will produce a greater sum, besides the benefit of sinking one thousand nine hundred and twenty pounds more in certificates. For example,

	Certificates.	*Specie.*
60 tracts of 400 acres, at £40 per tract is,	£2400	
Certificates being about 4s. per 20s. deduct 4-5ths to make it specie, which will be sunk,	1920	
		£480
60 warrants at 31s. and 60 patents at 69s.,		300
Whence it appears there will be sunk in specie,		£780

Now if we consider the quantity of vacant lands which lie in the intervals of Northampton and Luzerne, there can be but little doubt but that sales in consequence of such capital and extensive roads going thro' the centre of so great a country, will take place, to the amount of sixty tracts, or twenty-four thousand acres. But when we recollect that it is part of the plan to extend the road over to Tioga Point, which will lead the population and purchases into the district of William M'Clay, Esquire, being No. 1 in the new purchase, where the lands will probably be from thirty pounds per hundred acres, down to twenty or fifteen pounds, we cannot have the least doubt that the state will be immediately refunded all its advances, and sink a handsome part of its debt in certificates besides.

A second object of great importance at this moment is the effect this measure will have in quieting any remaining dispositions to disorder in the county of Luzerne. A new, easy road will be opened from the thick-settled and well-affected counties of Philadelphia, Montgomery, Bucks, &c., and from the lower parts of Northampton county to Tioga, by which a force, if necessary, may be rapidly moved to that place. Disturbances will be rendered much more improbable and less dangerous from the constant progress of settlement under Pennsylvania titles in the parts of Northampton and Luzerne, which lie on and near the courses of the proposed roads. This consideration, it is conceived, is of great consequence.

These roads will necessarily be about one hundred and fifty miles in extent; and the country through which they are to be laid out is above seventy miles in length, north and south, and about sixty miles wide on a medium, and consequently contains four thousand two hundred square miles, or about two millions eight hundred thousand acres of land. How grand an object then does this appear to the manufactures, internal and foreign commerce, agriculture and general resources and powers of the state.

If we extend the idea further, as we justly may, to the numerous tracts of land belonging to New York, which lie on the Delaware, Susquehanna and Tioga Rivers, from the first to the hundredth milestone, we shall see the importance of this plan in yet stronger light. We shall at once perceive that a very large part of the state of New York will be rendered, as to all purposes of commerce, a part of Pennsylvania by these roads, and by the improvements of the navigation of the Delaware and Susquehanna, which the settlement of this country will enable and induce the owners to effect.

A great part of New York, New Jersey and Massachusetts,

and nearly the whole of Connecticut and Rhode Island, lie due east of the Lands thro' which these roads are proposed to pass; so that all the emigrants from those parts, now known to be full of inhabitants, will be induced by good roads to take this country in their way westward, which will give Pennsylvania a great opportunity of acquiring settlers, citizens and taxables. It is conceived that time should not be lost, for by getting the start of a season we may turn the tide of emigration into this channel.

From the habits of our own countrymen, meat has become an indispensible article to our laborers and hired hands. The settlement of the country under consideration appears therefore of great importance to the manufacturers of Pennsylvania, for it is well known to contain a great proportion of meadow and pasture lands, and of course that it is adapted to raising cattle. It is surely a matter much to be desired that the farmers of New England may be induced to settle among us as citizens of Pennsylvania, and furnish us with this important article of domestic support and foreign commerce, which we have been used to obtain from other quarters, especially as we have several millions of acres suitable for breeding and raising cattle. At present we are tributary to foreign countries for barreled beef, which is imported from Ireland by a voyage of three thousand miles.

A road to Tioga, whose waters nearly approach those of Lake Ontario, appears to be of great importance to our Indian trade. Tho' it be very probable that the most eligible will be through the Sinnemahoning river, yet the chances of securing that trade will be encreased by opening this practicable route thro' the Genesee country to Lake Ontario. The channels of commerce as they offer, should be immediately secured whenever the expence is moderate.

The article of potash forms a part of the export of New York to the amount, it is said, of two hundred thousand dollars per annum. The woods of the country through which it is proposed these roads should be laid out are proper, for the manufactory of this article, and enough can be spared to make it in very great quantities.

The proceedings of the land-holders will not be deemed an improper subject of observation. For while their numerous and generous subscriptions will prove their conviction of the public and private advantages that will result from these roads, they show a liberal and equitable disposition not to withhold their money in a case wherein they acknowledge they will be benefited. It may not be improper to add that several private owners of New York lands have exerted themselves in promot-

ing these roads, and that they are proportional contributors to the plan.

JOHN NICHOLSON,
TENCH COXE,
MARK WILCOX,
TENCH FRANCIS,
HENRY DRINKER,
Committee.

PHILADELPHIA, *March* 5, 1788.

THE SUSPENSION ACT OF 1788.

An act to suspend an act, entitled "an Act for ascertaining and confirming to certain persons called Connecticut claimants, the lands by them claimed within the County of Luzerne, and for other purposes therein mentioned."

SECTION 1. WHEREAS, By an act entitled "An act for ascertaining and confirming certain persons, called Connecticut claimants, the lands by them claimed, within the county of Luzerne, and for other purposes therein mentioned," it is, among other things, enacted, that certain commissioners therein named, or thereafter to be appointed, should, within a limited time, meet together with the said county, for the purpose of receiving and examining the claims of the said claimants, and ascertaining and confirming the same. *And whereas*, When these commissioners had met, in pursuance of the said law, they were interrupted in their proceedings by the combinations, threatening and outrageous violence of certain lawless people in the said county of Luzerne, and obliged to fly for the preservation of their lives. *And whereas*, Doubts have also arisen concerning the construction, true intent and meaning of said law, for which, and other causes, it hath become very difficult to determine the same, and to adjust the compensation to be made to those persons who will be divested of their property by the operation of the said law, if the same shall be carried into effect. *And whereas*, The time in which these commissioners were to receive their claims has expired, but their other powers still remain, which, if immediately executed, without further provisions and regulations being previously made, will tend to embarrassment and confusion."

SECTION 2. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freeman of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of*

the same, That so much of the said law as impowers the said commissioners to ascertain and confirm the claims of the said people, called Connecticut claimants, and all and every part of the said act, which gives any power and authority to the said commissioners, be and the same is hereby suspended, until the Legislature of this Commonwealth shall, by a law for that purpose to be enacted, make further provisions and regulations in the premises, and shall direct and require the said commissioners to proceed in the exercise of their said powers.

Signed by order of the House

THOMAS MIFFLIN, *Speaker.*

Enacted at Philadelphia, Saturday the 29th day of March, 1788.

PETER ZACHARY LLOYD.
Clerk of the General Assembly.

Vote on Suspending the Act of 1787.

Yeas.

Valentine Upp, Bucks county.
James Moore, Chester county.
Alexander Lowrey, Lancaster county.
James Clemson, Lancaster county.
Jacob Erb, Lancaster county.
Michael Schmyser, York county.
William Mitchell, York county.
David McClellan, York county.
Joseph Reed, York county.
Thomas Clingan, York county.
David Mitchell, Cumberland county.
Thomas Beale, Cumberland county.
Thomas Kennedy, Cumberland county.
John Oliver, Cumberland county.
Joseph Hiester, Berks county.
Gabriel Hiester, Berks county.
David Davis, Berks county.
Joseph Sands, Berks county.
Philip Kreemer, Berks county.
Peter Trexler, Jun., Northampton county.
Thomas Mawhorter, Northampton county.
Peter Burkhalter, Northampton county.
John Piper, Bedford county.
Jacob Saylor, Bedford county.
Samuel Maclay, Northumberland county.
John White, Northumberland county.

William Findley, Westmoreland county.
James Barr, Westmoreland county.
John McDowell, Washington county.
James Allison, Washington county.
Alexander Wright, Washington county.
John Flenniken, Washington county.
Theophilus Phillips, Fayette county.
John Gilchrist, Fayette county.
James McLene, Franklin county.
James McCalmont, Franklin county.
Jacob Reiff, Montgomery county.
Robert Lollar, Montgomery county.
Benjamin Rittenhouse, Montgomery county.
Jacob Miley, Dauphin county.
Robert Clark, Dauphin county.
John Carson, Dauphin county.

Nays.

George Clymer, City of Philadelphia.
Thomas Fitzsimmons, City of Philadelphia.
Jacob Hiltzheimer, City of Philadelphia.
William Will, City of Philadelphia.
William Robinson, Jun., County of Philadelphia.
John Salter, County of Philadelphia.
George Logan, County of Philadelphia.
Richard Peters, Philadelphia.
Gerardus Wynkoop, Bucks county.
John Chapman, Bucks county.
Samuel Foulke, Bucks county.
Robert Ralston, Chester county.
Richard Thomas, Chester county.
Samuel Evans, Chester county.
Townsend Whelen, Chester county.
Adam Hubley, Lancaster county.
Joseph Work, Lancaster county.
John Hopkins, Lancaster.
Joseph Lilley, York county.
John Irvine, Westmoreland county.
John Paul Schott, Luzerne county.

MEMORIAL OF PENNSYLVANIA CLAIMANTS.

Lower Smithfield, Northampton County, July 14, 1788.

To His Excellency, Benjamin Franklin, Esquire, President of the State of Pennsylvania, and to the Honorable the Executive Council:

The Petition of the Subscribers, Inhabitants of the County of Northampton, Owners of Lands at Wyoming and elsewhere on the River Susquehanna, claiming under Titles derived from this State, in behalf of themselves and their associates most humbly represent:

That your Petitioners from their present places of Residence, North of the Blue Mountain, have not the means of early Information on any Subject. We reside far from the Seat of Government, and, unfortunately for us, are often uninformed of the Measures pursuing by the State at Times when our Interest is essentially concerned. We Knew not of the Resolve of the Assembly passed the 27th day of March last, before the Publication thereof in Dunlap and Claypoole's Paper reached us by Accident on the 10th instant. We observe that the Commissioners require That the Claimants under this State do send "Such Papers and other Information as will enable the Commissioners to ascertain the Situation and Quantity of such Lands respectively claimed by them, to Colonel Pickering at Wilkesbarre, by the 25th Day of this Month," a Period so near at Hand and at a Season of the year with us the Heighth and Hurry of Harvest as renders the absence of every Man among us that has a sheaf of Grain of their Own to reap or depends on getting Bread for his Labour from his friends or Neighbor impossible. We, therefore, beg Council to consider the Embarrassments that present to defeat the Accomplishment of the Duty of the Commissioners. We conceive their Business is to view and value every Tract of Land claimed by us and our Associates, to have the fullest Information of the Improvements made on the Lands by the Claimants under Pennsylvania before their Expulsion, in Order that they might form a Judgment of the Value of our Property and the Amount of the Compensation to be made for our Losses. It appears to us that to effect this with any Decree of Certainty the personal attendance of the former settlers will be absolutely needful, and if we set out on this Business now, we turn our Backs on our Crops and throw ourselves defenceless and unarmed in the

way of a set of lawless Banditti, who, having formerly robbed and ruined many of us, are now quarreling and destroying One another about the Division of our Possessions and Property, and amongst whom at any Time, especially the present, neither our Papers or Persons would be safe; they have even suspected and seized upon their friend, Counsellor and Advocate, Timothy Pickering, to whose extraordinary Abilities many of our Associates owe their ruin and whose Machinations produced the Act of 27th March, 1787, which has entangled the State in Perplexity heretofore unknown in Pennsylvania.

With the most perfect Respect for your Excellency and Council we pray for Leave to call to your remembrance the Proceedings of April, 1783. Messrs. Joseph and William Montgomery and Moses McClean were appointed Commissioners by the Legislature, before whom the Claimants under Pennsylvania met at Wyoming and presented a State of their respective Claims, at which Time the Surveyor of the District, Col. Stewart, was called upon to produce the original Surveys and General Drafts of that Country from Fort Augusta to the Bounds of the State, by which at one view the several Owners could shew the Spot he claimed and his Order or Warrant therefor. We can with Truth and Boldness affirm that the Commissioners were fully satisfied with our Conduct and that Demonstration beyond the Power of Contradiction shone forth then on the Side of Justice, and that we and our Associates rested from that Time in full Confidence and on the most solemn assurances of the State, pledged to us by their Commissioners for Support and Protection in our Property against all Invaders. How far and fatally we have been disappointed the act of the 27th Day of March, 1787, will shew. We, therefor, beseech Your Excellency and the Honorable the Executive Council to take our Case under your Consideration, to bring in Review before You the Hardships we labour under and the Uncertainty and Hazard of either attending in Person or transmitting our Deeds, Drafts or Contracts to Timothy Pickering, who we hear is at present in Duress. Indeed it seems doubtful to us whether the Commissioners can proceed in the Business during these Times of Confusion. But if they may, it must be evident that without a View of the Premises and General Draught of the Country now called Luzerne from Nescopeck to Tioga, they cannot neither ascertain whose the Lands of Right belong unto nor affix a Value so as to do Justice to the lawful Owners in Estimating the Compensation to be made them. Trusting therefore that your Excellency and Council will justify us in a perfect Neutrality in the present State of Riot and Quarrels at Wyoming, and that no Interference of

Ours at present would tend to any good Purpose, but on the Contrary, rather involve our worthy Citizens, the Original owners, in Feuds with the Banditti at Wyoming. We committ Ourselves and Associates to the Direction of Council on this Occasion, and as in Duty bound shall ever pray.

JOHN VAN CAMPEN,
JOHN CHAMBERS,
WILLIAM CLARK,
JOHN SMYTH,

Agents for the Owners of Land at Wyoming, who reside in Northampton County.

DISSENTMENT TO REPORT OF COMMISSIONERS TO REPEAL CONFIRMING ACT;

DISSENTIENT from the vote adopting the report of the committee in favor of repealing the act, entitled "An act for ascertaining and confirming to certain persons, called Connecticut claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned."

1st. Because we consider the act which the resolution adopted by the House proposes to repeal, to be either in the nature of an absolute or a conditional grant to the Connecticut settlers. If the latter it has not yet been proved to our satisfaction, that the insurrection at Wyoming, which occasioned the commissioners to fly, proceeded from a general determination to resist the authority and reject the bounties of this State, or from the turbulent dispositions of some of the adherents of John Franklin, who were incensed at his sudden and secret arrest; few of whom could derive any benefit from the law which the commissioners were then carrying into execution, and consequently it has not appeared with that clearness which the importance of the subject requires that there has been any breach of implied condition of the law, viz: That the Connecticut settlers would submit to the authorities of the State.

2d. Because if the grant is absolute, it is obligatory upon the State, and can only be revoked upon the terms mentioned hereafter. We conceive that a law vesting an interest conveys the most (authentic) and (solemn) title that can be annexed to property, after which the State has not the same power over the law which it most unquestionably possesses over its own acts

of another nature. But in no instance can the power of repealing laws affect their obligations while in force, and consequently, if the effect of the law while in force is permanent and perpetual upon the subject to which it relates, a repeal, although it may destroy the law, cannot diminish the effect it has already produced.

3d. Because, although it is universally conceded that private property may at any time be taken for public uses, yet it can only be so taken on condition of making full and adequate compensation to the private proprietor; and hence, it may follow that the State, from whatever motives, having conveyed the title to the lands in dispute, under certain terms and modifications to the Connecticut settlers, will at a future day be liable to make a more expensive compensation to those settlers, than the whole amount of the demands of the Pennsylvania claimants.

4th. Because it is introducing a most dangerous principle to repeal a law of any kind from an impression, however strong, that the Legislature was deceived at the time of passing the law. A law contrary to the Constitution may, and ought to be repealed; for in that instance there is a certain guide, which, although it may be disobeyed, cannot be misunderstood. But to pass our own judgment in a legislative manner upon the sufficiency of the motives which induced a former Assembly to enact a law of the nature of that which it is now proposed to repeal, and to collect these motives from other sources than the law itself, appears to us to endanger the authority even of our own proceedings, by rendering them liable at a future day to be subverted in the same manner, with perhaps still less evidence than we have to proceed on. And it will directly tend to destroy the order, safety and happiness derived from civil society; for as the obligation of the laws is rendered less solemn and conclusive, the Legislature will naturally become less impressed with their importance, and the people will gradually learn to disregard their authority.

(Signed)

William Rawle,
Richard Thomas,
Richard Downing, Jr.,
Lawrence Sickle,
Jonathan Roberts,
Jacob Hiltsheimer,
Henry Dering,
Samuel Ashmead,
Obadiah Gore,
Herman Husband.

REPEAL OF CONFIRMING LAW.

An act to repeal an act, entitled "An act for ascertaining and confirming to certain persons, called Connecticut claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned."

SECTION 1. WHEREAS, An act of Assembly, enacted the twenty-eighth day of March, one thousand seven hundred and eighty-seven, entitled "An act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them claimed within the county of Luzerne, and for other purposes therein mentioned," hath been found, in its principles and operations, to be unjust and oppressive, inasmuch as it divested many citizens of this State of their lands without their consent, and without making them any just compensation; *And whereas*, Depriving individuals of their property in such a summary way is unconstitutional, and of the most dangerous consequence; *And whereas*, Said act was enacted by the Legislature hastily without due consideration had, and proper information of the magnitude of the grant; *And whereas*, Carrying said act into effect would impose a grievous burthen on the good citizens of this State to make compensation to those who would thereby be divested of their property; *And whereas*, The reasons set forth in the preamble of said act do not appear sufficient to warrant any legislative interference or departure from the established rules of justice, in respect to private property, nor hath had the effect proposed:

SECTION 2. *Be it enacted, &c.*, That the act, entitled "An act for ascertaining and confirming to certain persons called Connecticut claimants, &c.," * * * * * be and the same is hereby repealed, and all proceedings had under said act are hereby rendered void, and declared to be null and of no effect; and all titles and claims which might be supposed to be affected by said act are hereby re-vested in the former owners, in as full and ample a manner as if the said act had never been enacted, anything in the same to the contrary notwithstanding.

SECTION 3. AND WHEREAS, It hath been represented to this house, that judgment has been obtained in sundry actions of ejectment brought in the court of Common Pleas for the county of Northumberland, for sundry tracts of land now lying within the county of Luzerne, at the suit of persons claiming under titles derived from the late Proprietaries of

Pennsylvania, in which judgment by default has been recovered against persons holding such lands by virtue of rights or titles derived from or under the State of Connecticut, and it is right and just that the defendants in such actions should not be dispossessed without a trial by jury:

Be it therefore enacted by the authority aforesaid, That no writ or writs of *Scire Facias*, or *Habere Facias Possessionem*, shall issue from the said court to revive such judgments, or to carry them into effect; but original suits in ejectment, for recovery of any such tracts of land within the said county, may be brought at the suit of such Pennsylvania claimants or any of them.

Signed by order of the House,

RICHARD PETERS,
Speaker.

PETER ZACHARY LLOYD,
Clerk of the Assembly.

Enacted at Philadelphia, Thursday, April 1, 1790.

The Vote on Repeal of Confirming Law.

Yeas.

Francis Gurney, City of Philadelphia.
Thomas Paul, County of Philadelphia.
Thomas Britton, County of Philadelphia.
Elias Boys, County of Philadelphia.
Gerardus Wynkoop, Bucks county.
Valentine Upp, Bucks county.
John Chapman, Bucks county.
James Bryan, Bucks county.
John McDowell, Chester county.
James Clemson, Lancaster county.
Jacob Erb, Lancaster county.
John Miller, Lancaster county.
Jacob Schmyser, York county.
William Godfrey, York county.
Thomas Kennedy, Cumberland county.
David Mitchell, Cumberland county.
Jonathan Hoge, Cumberland county.
John Ludwig, Berks county.
Nicholas Lutz, Berks county.
Daniel Leinbach, Berks county.
John Moore, Bedford county.
Samuel Maclay, Northumberland county.
John White, Northumberland county.

John Baird, Westmoreland county.
James Barr, Westmoreland county.
James Allison, Washington county.
Alexander Wright, Washington county.
James Marshall, Washington county.
Thomas Ryerson, Washington county.
John Gilchrist, Fayette county.
James Finley, Fayette county.
James Johnson, Franklin county.
John Rhea, Franklin county.
Jacob Rieff, Montgomery county.
Benjamin Markley Montgomery county.
James Vaux, Montgomery county.
Jacob Miley, Dauphin county.
John Carson, Dauphin county.
James McCreight, Dauphin county.
David Stewart, Huntingdon county.
Hugh Lloyd, Delaware county.
Richard Riley, Delaware county.

Nays.

Lawrence Sickel, City of Philadelpiha.
Jacob Hiltzheimer, City of Philadelphia.
William Lewis, City of Philadelphia.
William Rawle, City of Philadelphia.
Samuel Ashmead, County of Philadelphia.
Richard Thomas, Chester county.
Richard Downing, Junior, Chester county.
Henry Dering, Lancaster county.
Thomas Lilley, York county.
Herman Husband, Bedford county.
Jonathan Roberts, Montgomery county.
Obediah Gore, Luzerne county.
John Neville, Allegheny county.
John Harris, Mifflin county.

Dissentient of the Minority.

DISSENTIENT from the vote for enacting the law, entitled an act to repeal an act entitled "An act for ascertaining and confirming to certain persons, called Connecticut claimants, the lands by them claimed in the county of Luzerne, and for other purposes therein mentioned.

1st. Because the passing of the bill into a law in the same session in which it originated, and within eight days after it

was first read to the House, is beyond all example heretofore furnished by the rage or folly of party, a flagrant violation of the Constitution, which declares that "to the end that laws before they are enacted, may be more maturely considered, and the inconvenience of hasty determination as much as possible prevented, all bills of a public nature shall be printed for the consideration of the people, before they are read in General Assembly, the last time for debate, and except on occasions of sudden necessity, shall not be passed into laws until the next session of Assembly." That this bill was of "a public nature" all who have understanding to comprehend, and candor to acknowledge the obvious meaning of words, must confess; inasmuch as the compensation to be made to the Pennsylvania claimants, related to the whole State, and affected all its members; and no one will have the effrontery to say, that any "occasion of sudden necessity" had occurred for dispensing with the express provisions of the Constitution.

This wanton precipitation in passing the bill, is inconsistent with its preamble, in which one motive assigned for the repeal of the confirming law is, that it was passed hastily, and without due consideration had, and another contradiction equally glaring is, that after stating that the said act divested many citizens of this State of their lands, without their consent, and without making them any just compensation, it assigns as a reason for the repeal, that the carrying said act into effect would impose a grievous burthen on the good citizens of this State, to make compensation to those who would thereby be divested of their property.

The Constitution further declares, "that for the more perfect satisfaction of the public, the reasons and motives for making laws, shall be fully and clearly expressed in the preambles." Whatever might be the reasons and motives for passing the bill, the facts assumed in the preamble, but which were neither proved nor admitted, seem to have been intended to give color to a proceding which stood in need of it, if not to bring reproach on a former House, equally respectable at least with the present one for wisdom and virtue.

2d. Because the House had no proper evidence in support of the allegations contained in the preamble, and refused to inquire either in the House or in committee of the whole House, whether they were true or not. In a measure highly interesting to the honour, dignity, and justice of the State, in a measure consigning to misery and ruin many hundred families, who had trusted to its good faith, and calculated to bring severe and merited reproach on a former Assembly, a decent regard for the opinions of men should have induced the House to

have heard the evidence which was called for, so as to give some semblance of justice to their proceedings. This was nevertheless refused, and an example set for preferring rumor to facts, assertions to proof, and conjecture to full and complete information. A solemn vote precluded probing inquiry, and then the House assuming facts, assigned them as grounds for repealing a law founded in wisdom, justice, and sound policy. If this proceeding is not a mockery of justice, and a satire on the House, it must be admitted to be of the most dangerous example.

3d. Because the confirming act was founded in wisdom and sound policy, and the allegations in the preamble to the bill repealing it, that "it was unconstitutional, and of the most dangerous consequences;" and that "the reasons set forth in the preamble of the said act, do not appear sufficient to warrant any legislative interference," are without foundation.

The *salus populi*, or safety of the people, is the supreme law of the land, to which all inferior rights and regulations must yield. They originate from and are auxiliary to society, and may, on reasonable compensation made, be lawfully resumed, whenever the great ends thereof require it, for the accomplishment of some great good, or to arrest an impending evil. These important truths result from the very nature of society, and the first principles of government. They are sanctioned by the principles of individuals and the practice of nations. They are confirmed in abundant instances by our municipal laws, and recognized by our bill of rights. The Legislature who enacted that law were neither so weak nor so wicked as men less informed and not more virtuous, have supposed them to have been. The state of the Commonwealth called for the system which they adopted, and had a policy equally just and wise been since pursued, the faith of Pennsylvania would not have been broken, or her honor tainted by her own sons.

If the House had designed to inquire for themselves of witnesses at the bar, or in committee of the whole, instead of trusting to others, the truth might have appeared on our journals, and a curious spectacle would have been exhibited by contrasting it with the preamble of the bill. But the hurry with which they charged a former House with proceeding "hastily and without due consideration had," not admitting of the necessary inquiries, has exposed them to that censure which has been wrongfully imputed to others. The conduct of the Legislature of November, 1787, when, the same business came before them, was very different. Instead of listening to idle rumors, they called witnesses to their bar, and examined for themselves. They had written documents laid before them,

and became well acquainted with all the facts which led to the quieting act, as well as with its effects. The charter boundaries of Pennsylvania and Connecticut were supposed to clash, and had long been contested before and since the Revolution. Each asserted her claim to the country at and about Wyoming, and manifested a resolution to maintain them at every hazzard. The Connecticut claimants settled themselves on the lands, under grants from the Susquehanna Company, and the patronage of Connecticut. They maintained and cultivated their lands, until the decree of Trenton, in 1782. That decree settled the rights of soil and territory, as between the contending States, in favor of Pennsylvania, but it neither did nor possibly could affect the private rights of individuals. The judges who pronounced that decree, nevertheless became well acquainted with the nature of the settlements, and the equity resulting from them. Under the impressions made thereby, they wrote a letter to the Executive authority of Pennsylvania, which is perhaps lost, but the following account of it has been given by one of the same judges in a subsequent letter: "We had many strong reasons for writing the letter to the President of Pennsylvania. We were fully acquainted with the circumstances of the New England settlers. We knew that many of them had honestly paid for their possessions; that they verily believed the title under which they claimed to be perfectly good; that they had cleared, built upon, and improved the land; that in doing this they had encountered many dangers, and suffered innumerable hardships; and beyond all these things, and what cannot be estimated, many of their nearest connexions had spilt their blood in defense of their possessions."

Thus circumstanced, it was manifest that they had become enthusiastic for the land; that the reasoning of legislators and statesmen would have but little weight with them; that if the State should attempt to dispossess them, they would become desperate and a civil war would be the consequence. On the contrary, if the State should quiet them in their possessions, they would become peaceable good citizens, and that the State could compensate those who held the Pennsylvania title, by giving them an equivalent in lands or money, at a less expense than that of dispossessing the New England settlers. That therefore the interest, the humanity, and the policy of the State, would lead them to adopt the measures that we recommended.

4th. Because the act hath, so far as dependent on the Connecticut claimants, had the effects proposed, and the allegations to the contrary, in the preamble to the bill for its repeal,

are unfounded. It was incontestibly proved on a former occasion at the bar of the House, that the Connecticut claimants, whose rights had been acquired previous to the decree at Trenton, and who were the only persons included in the act, were perfectly satisfied therewith, and that all of them, except six or eight, had submitted to the government and laws of Pennsylvania; that all those who had been disposed to join them, had abandoned their design, except the half-share men, who had come among them since the decree at Trenton, and who were not included in the act. These being too insignificant to make any formidable opposition, have either abandoned the settlement, or encouraged by the wavering conduct of Pennsylvania, remain ready to renew their mischiefs, if by her breach of faith, others should be induced to join them. Hence the most salutary effects have been derived from the law; and war, perhaps more expensive than the compensation to have been made, was avoided; peace and tranquility were restored, or rather took place for the first time. The government and laws of Pennsylvania have been establishd, and had their free operation, and allies, formidable from their numbers and situation, abandoned their hostile views. Thus the great objects which the Legislature had in view in passing the Confirming Law, have really been accomplished. They were principally these: 1st. To conciliate the mind of those Claimants; to induce them to relinquish their designs of absolutely rejecting the jurisdiction of this State, and in conjunction with others who had associated, and were preparing to associate with them, of erecting a new and independent State in that and the adjacent country. 2d. To put an end to the distresses, expense, and bloodshed which during a series of years had attended this dispute; and to prevent the still more serious evils of a civil war, which not only a contrary policy, but a delay of that salutary confirmation were likely to produce; the measures which those people were then pursuing having a direct tendency to that fatal issue. 3d. A further object of that law was, that by having their lands confirmed to them, those people might be induced, not only to relinquish the designs already mentioned, but to submit to the government, and become useful as well as peaceful citizens of this State. 4th. Another object, and it was an object of high importance, was to render practicable the settlement of an extensive adjacent country, to which the contention about the Wyoming lands had for many years proved a fatal bar. These were the great objects of the Confirming Law; these were the effects proposed and expected to result from it: and the event has justified the expectation. The adjacent country is in a train of settlement,

and if the county of Luzerne itself has not greatly increased in population and improvement, it is to be attributed to the long suspension of the Confirming Law.

5th. Because the preamble contains most indecent and unwarrantable reflections on the Assembly by which the Confirming Law was enacted. That Assembly was impressed with the weighty considerations above stated; considerations which received additional force from many collateral circumstances, which a retrospect to the numerous mischiefs which had flowed from the dispute about the Wyoming lands could not fail to bring to remembrance. That Assembly must have recollected the many fruitless attempts of government to extend its jurisdiction over that country, and have seen that the obstacles to it were daily increasing. They saw that there was but this alternative, either to confirm the lands to the old Connecticut settlers, or immediately to raise a military force, with the hope of subduing them. They chose the former, and disinterested men of sound judgment approved the choice. It is well known that at the time when that law passed, the Union of these States was but a rope of sand; that the people of Wyoming, amidst many sufferings and oppressions, received countenance from their parent State, Connecticut; that they had numerous and interested connexions in that State; and that under such circumstances, a war commenced against the Wyoming settlers, might have drawn after it very serious consequences. A Legislature passing the Confirming Law, for such reasons and under such impressions, ought not to be charged with doing it hastily and without due consideration. It was a measure which we have seen, had been recommended to the State by men to whose judgment in this case, the highest deference was due and whose discernment and impartiality ought not to be impeached by this House. And various transactions of the Legislature, at different periods, before the Confirming Law was made, clearly manifest their opinion that some equitable provision ought to be made for the Connecticut claimants, who had settled in that country before the decree at Trenton, and for the widows and children of such as had fallen (and a multitude of them had fallen), fighting against the savages. A law passed under such circumstances cannot justly be called unconstitutional. At the time when the Confirming Law was passed, the General Assembly had the exclusive right to judge of its expediency, propriety, and necessity; and even admitting (which we do not admit) that the Assembly had on those points formed an erroneous judgment, yet so far as its grants or engagements extended, they are irrevocably binding

on the State, and cannot be canceled without the consent of those to or with whom they were made.

6th. Because all the acts of the Legislature which appear on their journals since the Confirming Law was passed, manifest an intention, ultimately, to establish the claim of the Connecticut claimants. When accidental causes had rendered it impossible for all of them to exhibit their claims within the time prescribed by the Confirming Law, the power of the Commissioners was suspended by a law made for that purpose; lest by a partial establishment of claims (which could apply only to such as they had an opportunity to receive and examine), much mischief and confusion should arise. But the suspension of a law is in its nature only a temporary measure; and in this case it was expressly declared to be only until the Legislature should make further provisions and regulations in the premises. At the same time a bill was introduced, adopted and published for consideration, for the purpose of granting the seventeen townships entire to the Connecticut claimants; a grant that there is sufficient evidence to show would greatly have exceeded the claims which could have been admitted under the Confirming Law. The next day a resolve was passed, to authorize the Supreme Executive Council to take proper measures for ascertaining the quantity and value of the land claimed by Pennsylvania owners, to be reported at the next session, "that the House might the better be enabled to decide on the compensation to be made them." All these transactions took place long after the Confirming Law had been enacted, and they will admit of but one or two meanings: Either that the Legislature still judged it proper and necessary substantially to carry the Confirming Law into execution, and meant eventually to do it, or that the cogent reasons which induced the passing of it, still continued in such force, that a repeal of it would have been dangerous, and, therefore, that the Suspending Law, the bill for granting the seventeen townships entire, and the resolution preparatory to the making compensation to the Pennsylvania claimants were necessary to excite in the Connecticut settlers an expectation of a final establishment of their claims, to soothe and keep them quiet, to prevent any accession of force, and to detach from them their new associates; but that when these views should be accomplished, and when it should be found that the jurisdiction of the Commonwealth was completely established in Luzerne county, the Confirming Law should be repealed. But if some, by their conduct in this business, are disposed to impute such base and dishonorable motives to a former Legislature, we are

not. The obvious construction of those public acts forbids the suspicion.

7th. Because the grants of land solemnly made by the Confirming Law to the Connecticut claimants, assure to them effective titles, and the property thereby vested in them cannot be taken from them, without providing for them a complete compensation. But such compensation would far exceed that which has been engaged to the Pennsylvania claimants: Therefore, if the mere interest of the State be regarded, the Confirming Law ought not be repealed. The journals and files of the Legislature clearly show that the Assembly which enacted the law for confirming to the Connecticut claimants the lands by them claimed in the county of Luzerne, were not ignorant of the magnitude of her grant. The petition of those claimants explicitly states, that their claims extended through seventeen towns, generally five miles square, and to some detached lots, and the committee on that petition reported to the Assembly that the petition was for entire and extensive tracts. In addition to this, the law by relative terms refers to the petition; is founded upon and confined to it; and as the claims are then stated, it is but a trifling with words to say, that "the Legislature had not proper information of the magnitude of the grant."

8th. Because, if we should say that at the time the Confirming Law was enacted, there did not exist sufficient reasons for passing it, if we should declare in the words of the preamble of the repealing law, "that it was hastily passed without due consideration," it would be to accuse that Legislature of criminal improvidence and inattention to their duty. But no subsequent Legislature can be justified in doing this, unless (which is impossible) they can see and feel all those reasons and impressions under which the law originated.

9th Because, if the repealing law could possibly produce the effect intended by its supporters, it will nevertheless bring an indelible disgrace on the State. It will show that not honor and justice, but mere mercenary views governed its conduct; that it held itself bound by its contracts, only when a fulfillment of them coincided with its interests; and that though by its laws, it will compel the honest performance of disadvantageous contracts, entered into by individual citizens, yet in its own case, setting itself above the law, it will pay no regard to them.

10th. Because the formal repeal of the Confirming Law, while it prostrates the faith, and honor, and dignity of the State, will not procure any equivalent, if, in the nature of things, there can be any possible equivalent for the sacrifice

of those great principles of society and government; because the repeal itself will be nugatory, for it is an infraction of the laws of nations, a violation of the Constitution of the United States, an *ex post facto* law, a law violating the obligation of a solemn public contract, and the courts of the United States must pronounce it to be of no effect. Hence the folly of the repeal will equal its injustice; for there will not remain even the paltry consideration of interest to console the State for the loss of its honor, dignity, and faith. It is too probable that the mischiefs resulting from the measure may be serious in their nature and of long continuance. Those who were appeased by a good policy, will not be appeased by a faithless one; and those who formerly joined them from motives of humanity, may do it again, from the additional one of our having added treachery to violence. Whatever may be the event, we dissent from the vote passing the bill into a law, and desire that our reasons may be recorded in justification of our conduct, and for the information of our constitutents.

WILLIAM LEWIS,
JOHN NEVILLE,
OBADIAH GORE,
SAMUEL ASHMEAD,
HENRY DERING.

PICKERING AND GORE TO GOV. MIFFLIN.

PHILADELPHIA, *January* 15, 1791.

SIR: The sole purpose for which we waited on you yesterday was to give you some information relative to a candidate for a public office in the county of Luzerne, who is not personally known to you, and whose character, we have reason to believe, has not been truly represented. The office is that of county lieutenant, now held by colonel Zebulon Butler.

Col. Butler was an officer in the late Continental army, and finally had the command of a Connecticut regiment. He is a good natured man and an obliging neighbour. For these reasons, and for the regard we have to an old acquaintance, we should take pleasure in seeing him reappointed county lieutenant for Luzerne. But, sir, we apprehend that Government can derive no honour, and the Commonwealth no advantage, from his reappointment; on the contrary, both will

be injured. Sir, we speak it with regret, but a just regard to the honour of government and the interest of the county and of the Commonwealth, oblige us to declare the truth. We wish that he had renounced all pretensions to the office, that we might have been spared the pain of making the declaration, that Colonel Butler, for many years too much addicted to strong drink, is now rendered wholly unfit to fill the office of county lieutenant. This unfortunate habit has cost him his estate, which is now under execution, and probably will not be near sufficient to satisfy his creditors. We have heard the complaint, and we believe it to be true, that neither drums nor fifes have been purchased with the militia fines, but that these have been consumed in drink. Sir, we cannot entertain an idea that the militia fines which have been, or shall be collected and paid to him, can ever be accounted for. His present circumstances and the temptation of the unfortunate, but invincible habit beforementioned, will prevent it.

Permit us now, Sir, to mention another name—a name well known to you, a name respected in the county, the name of a sober and discreet man—Colonel Denison. If he could be appointed county lieutenant, Government would be honoured, the Commonwealth faithfully served, and the people of the county well pleased.

We have been led, Sir, to make this representation at this time in consequence of our having heard of a particular application to you in favour of Col. Butler, and because a letter addressed to him by the assistant Secretary has been put into the hands of one of us, perhaps to inform him that you have already given him the appointment; but which, if you think proper, can at any time this day be recalled, which we particularly mention, because, to-morrow, if not recalled, it may be on its way to Luzerne.

Sir, we naturally wish to live on good terms with our neighbours, and therefore should be pleased to have the knowledge of this representation confined to your own breast. Nevertheless, as truth, your honour, and the public good are its sole objects, we shall not object to any communication of it which shall be necessary for your justification in dropping Col. Butler and appointing Col. Denison, or any other fit character, lieutenant of Luzerne County.

We have the honour to be, with great respect, Sir, your most obedient servants,

TIMOTHY PICKERING,
OBAD. GORE.

His Excellency Thomas Mifflin, Esq., Governor of Pennsylvania.

ARTHUR ERWIN TO GOVERNOR MIFFLIN.

April 5, 1791.

SIR: Perhaps it may appear somewhat extraordinary to carry a Complaint before the Chief Magistrate of the State, where the Laws of the Land have pointed out the more regular Mode of pursuing the Means of Redress; but as this, Sir, is an extraordinary Case, it may probably be a sufficient excuse for the irregular Mode of proceeding in it. You are not now to learn the Troubles and embarrassments which the Connecticut claimants to Lands in the County of Luzerne have for a series of years past from Time to Time involved Pennsylvania. It will not be necessary, I conceive, to enter into any Investigation of that Business. The existing laws, were they carried into effect, would be sufficient to answer every purpose. My present application to you, however relates to myself only. When the Land Office was opened in the year 1785, and the choice thereof determined by Lott, I became an adventurer for about five Thousand acres in Luzerne county, adjoining the New York line, and without the Limits of any of those Townships comprehended in the late confirming or quieting Law, since repealed. These Lands, which lay on the Tioga above the point, I immediately patented, settled, cleared and improved, not doubting but the Commonwealth of Pennsylvania, under the solemn Faith of which I had purchased and paid for them, would protect me in the possession and enjoyment of my Property. I have been almost the only man who has, in that Country, asserted the Claims under the Government of Pennsylvania to the Lands in Luzerne, by which I have not only subjected myself to Insult and abuse, but on more occasions than one been in eminent Danger of my Life, not from Threats merely, but by actual assault, and that of the most agrivated nature.

When in August, 1789, I was in that country cultivating my own ground I was obliged to have Recourse to the legal steps to recover some Rent due to me from a person who occupied part of my Land there under verbal Lease, and when the property distrained was in the Hands of the Officer, the Tenant with several others came and forceably resqued it, not satisfied with this outrage, they attacked me and one of them with the Handle of a pitch-fork broke one of my arms and beat me in

such a manner that I very narrowly escaped with my Life. I then took the usual steps to have him prosecuted for a Breach of the peace, but, altho' every necessary proof was made of the Fact, in that county he escaped unpunished. In the course of the last Summer a number of persons who call themselves Half-share men, a Description of people who, I believe from principle and Habit, are not likely ever to be good or useful citizens of this or any other Country, came within my enclosed ground at a Time that I was absent, cut a quantity of Hay, and to the Laborours who I had there employed, used many Threats against my Person. After I had hauled in the Hay which my people had made, together with what they had cut on my Land, they came and forceably took it away, still using Threats; soon after they took from my Laborours a quantity of Indian Corn in the same manner, which circumstances the Depositions of Daniel McDuffee, Sarah Redford and Dolly McDuffee make appear. It is true the Effects which have been violently and unlawfully taken from me are of no very great value or magnitude, but if the persons who have thus flagrantly broke in upon my property escape with Impunity, the property of no Pennsylvanian will be safe from their Depredations. I have not taken any legal steps to obtain Redress, well knowing the Fate of any process in the County of Luzerne, where a Pennsylvanian is a party; of this indeed I have had sufficient experience. I trust, however, that the Commonwealth of Pennsylvania will do me ample Justice and no longer suffer her laws to be tramped on, her Dignity debased and her citizens injured and abused by a set of people who have ever discovered a Disposition obnoxious to the Laws and government of this State. I have, therefore, made my application to you, as the supreme magistrate of the State, and from your prompt Decision and public spirit, I hope such measures will be taken as to secure me in the Enjoyment of my property in that country, as well as to protect me from the Danger which from the constant Threats of those people I conceive my Life to be in while among them.

With every sentiment of Respect, I have the Honor to be, Sir,

Your most obedient

and very humble Servant,

ARTHUR ERWIN.

ACCOUNT OF WILLIAM SAYRES.

Dr. The State of Pennsylvania to Wm. Sayres, for Sundries furnished the Troops on the Wyoming Expedition, by order of the Magistrates of Northumberland County, in the year 1775.

To 69½ galls Rum,	6s 9d	£23 9	1½
23 galls Whiskey,	4	4 12	0
4 lbs. Candles,	1 3	5	0
2½ lbs. Tallow,	10	2	1
1 bolt Tape,		3	6
4 lbs. Coffee,	1 7	6	4
2 Loaves Sugar, 31 lbs.,	2	3 3	0
5 lbs. Sugar,	11	4	7
7 lbs. Soap,	1	7	0
2 pairs Shoes,	10	1 0	0
1 pair Leggins,		11	3
Cash to the wounded, &c.,		1 5	0
Do. for Firewood for do.,		1 2	6
To sundries furnished the different Companies and wounded, by order of Squire Allison and Sheriff Cook,		41 10	7
		£78 1	11½

Interest due Probat.

Examiner,
John Donaldson,
Pay Gen. Officer,
£78 1 11½.

WM. SAYERS.

NORTHUMBERLAND COUNTY *ss:*

Before William Montgomery, one of the Justices of the peace in said County, personally appeared William Sayers, above named, who being duly sworn, doth depose and say, that the above account of Seventy-Eight pounds one shilling and eleven pence halfpenny, is justly due him as above stated, and that he hath received no part thereof, or satisfaction therefor.

WILLIAM SAYERS.

Sworn and subscribed before me, this 5th day of May, 1790.

WM. MONTGOMERY.

ACCOUNT OF ROBERT KING AGAINST THE STATE.

To the Honourable the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met:

The humble Petition of Robert King, of the County of Northumberland, respectfully sheweth:

That your Honour's Petitioner, during the disputes between the Connecticut claimants for Lands in said County, and the people of Pennsylvania (previous to the late war), was at sundry times, on different emergencies called by the Justices and Sheriff of said County, to render them sundry services, which he cheerfully did, and was by them promised a reasonable compensation for the same, in pursuance of which your Petitioner applied to a former house of the Legislature; but at that time the matter was not taken up, since which he hath been informed that a State House of Assembly had taken up the matter and granted a compensation to sundry persons then applying to them. Your Petitioner being an inhabitant of the westward part of said County had not an opportunity of knowing of such application, and consequently not provided for by said act, and but lately informed thereof, and firmly relying on the justice of your Honourable House, humby begs leave to present his humble petition, accompanied with an account of his Expenditures and services duly attested. Hoping your Honours will be pleased to Consider the same and grant relief in the premises, and your Honour's petitioner will ever pray, &c.,

ROBERT KING.

Commonwealth of Pennsylvania to Robert King, Dr.

1772.	June 6.	To taking Crook Jones, an inhabitant of Wyoming (he being a prisoner), from Fort Augusta to the Goal of Carlisle, by order of Sam'l Hunter and William McClay, Esquires. Distance, 73 miles, 0s 4d, ...	£1	4	4
		Cash pd. for hand Cuffs, ...		4	
		Cash pd. the Prisoner's Expenses, 3 days on the road, ...		7	6
		Cash pd. my own and Prisoner's Expenses 2 days in Carlisle before the jailor would receive him, on account			

		of a fracture in his scull, which he received at his being taken, the Doc's bill included, ...	1		
	July 3.	To Myself and Horse, 5 days, viz, from 3d to 7th, both days included, Collecting the inhabitants of Northumberland County, in order to apprehend a party from Wyoming (then assembled at Marcus Huling's, on the West Branch of Susquehanna River), by order of Doc. Wm. Plunkett, Esq., ...	1	17	6
1775.	Sep. 25.	To sundry service rendered by order of Wm. Cook, Esq., Sheriff, against a party of Yankees assembled at Vrieland's Mill, viz, from 25th to 28th, both days included) this before Nov'r order), ...	1	10	
	Dec. 14.	To a canoe lent Sam'l McClay, Esq., for public service (broke in the ice before returned), ...	1	10	
	Dec. 18.	To a wagon, Horses and driver and finding the same for four days hauling amunition and stores from Northumberland to Fishing Creek, by order of Sam'l Hunter, Esq., . .	2	8	
		To my pay as a Lieutenant of Militia, under the command of Col. Wm. Plunkett, from Dec. 12, 1775, to Jan. 3, 1776, both days included, being twenty-three days, ...	7	13	4
1776.	Jan.	To hauling 21 loads of firewood, by order of Doc. Benj'n Allison, Esq., for the use of the men wounded at Wyoming and then under the care of Doc. Allison, ...	2	12	6
			£20	7	2
		deduct not allowed, ...	6	13	4
			£13	3	10
		Balance due Robert King, payable in a certificate bearing interest from Feb. 13, 1791, ...	7	13	4
			£5	10	6

JOHN DONALDSON, *Reg. Gen. Office, Feb.* 24, 1791.

NORTHUMBERLAND COUNTY, *ss:*

Before me, the subscriber, one of the Justices of the Common pleas in and for said County, personally came the within named Rob't King, who being duly sworn according to Law, doth say that the within services were done by him by order of the High Sheriff and Justices of the county aforesaid, with a promise of being rewarded for the same, and said deponent doth also say that he hath rec'd no pay or compensation for the same, and farther saith not.

ROBERT KING.

Sworn and subscribed before me this 27th day of August, 1790.

J. L. McCOOK.

DEPOSITION OF JOSEPH SHIPPEN, ESQ.

[In the case of Vanhorne *vs.* Dorrance, was given in evidence the following deposition, which is valuable in connection with the "Controversy."]

Joseph Shippen, Esquire, a witness, produced, sworn and examined on the part of the plaintiff, deposeth and saith, that he was at Wyoming in the fall of the year 1757, when he was a captain of the Provincials of the regiment called the Augusta regiment, first commanded by Colonel Clapham and afterwards by Colonel Burd; that he went with other officers and soldiers of the Provincials to the amount of about one hundred and fifty as a guard to John Howes, Edward Shippen and James Gailbraith, Esquires, commissioners appointed by Governor Denny, of Pennsylvania, a part of whose business was to build houses for Teedyuscung and other Indians at Wyoming (as deponent understood), and some houses were built; that at this time there were no white people there, nor anywhere above Augusta nor below that for about thirty miles, except one Armstrong's family at Fort Halifax, it being the time of war with the Indians; that deponent heard nothing at that time of any settlers from New England in that country, nor for some years after, deponent having marched with Forbe's army in 1758, with General Stanwix in 1759, and went to Europe in the spring 1760, from whence he returned in the fall of 1761; that the 9th of April, in the year 1771, the deponent was appointed by Governor John Penn, together with James Tilgh-

man and John Lukens, Esquires, to sell the proprietary lands at Wyoming, agreeably to certain instructions now shown to him, signed by the said John Penn, which business was effected by them at Easton, and report made by them agreeably to the papers, being a report signed by the said James Tilghman, the deponent, and John Lukens, and a list accompanying it, and also now shown to him, signed with their names, of which the deponent testifieth and saith that they contain the truth to the best of his knowledge.

This deponent being examined on the part of the defendant, saith that he understood that Teedyuscung had expressly agreed with Governor Denny, at a treaty held at Easton, that houses should be built for him, and other Indians of the Delaware nation, at Wyoming, and that the houses above mentioned were built by the Commissioners in consequence of that treaty; that after the houses were built this deponent, with the guard, escorted the Commissioners to Fort Augusta, and left Teedyuscung in possession of them.

JOSEPH SHIPPEN, Jr.

CITY OF PHILADELPHIA, *ss:*

Sworn before me, this 23d April, 1793.

MATTH. CLARKSON,
Mayor.

THE REPRESENTATION OF PARSHALL TERRY.

[The following paper was also elicited in the case of Vanhorne *vs.* Dorrance, previously referred to.]

The deposition of Parshall Terry, of Wyaloosing township, in the county of Luzerne, State of Pennsylvania.

PHILADELPHIA, *ss:*

On the 25th day of April, 1794, before me, James Biddle, Esquire, president of the courts of common pleas in the first district of Pennsylvania, came personally Parshall Terry, and being duly sworn, doth say that in the year 1762, he then being an inhabitant of Goshen, in the then province of New York, and he then also being a proprietor in the Connecticut Susquehanna purchase, being informed that the company of proprietors had granted two townships, ten miles square each, as a gratuity to the first two hundred settlers, they being proprietors (or in proportion to a less number), conditioned that said

settlers go on and remain in possession for the company for the term of five years; that as near as he can recollect some time about the last of August of the same year the deponent, with ninety-three others, mostly from Connecticut, went to Wyoming; that they carried on, and took with them horses and farming utensils for the purpose of carrying on the farming business; that he well recollects the names of a number who went on in company with him, whose names are as follows, viz:

John Jenkins.
Samuel Richards.
David Garvin.
Oliver Smith.
Eliphalet Stephens.
——— Jewel.
Obadiah Gore, Junior.
William Stevens.
Daniel Lawrence.
Isaac Underwood.
David Honeywell.
Elkanah Fuller.
James Atherton.
Jonathan Weeks, Jr.
Stephen Lee.
Ephraim Tyler.
Uriah Stevens.
Timothy Hollister.
John Dorrance.
Silas Park.
Isaac Hollister.
Jonathan Slocum.
Nathaniel Terry.
Matthew Smith.
Benjamin Shoemaker.
Nathaniel Chapman.
George Minor.
Nathan Hurlbut,
Stephen Gardner.
William Buck.
Daniel Baldwin.
John Comstock.
Abel Pierce.
Augustin Hunt.
Ezra Dean.
Daniel Gore.
Ephraim Seely.
Ezekiel Pierce.
Isaac Bennet.
Jonathan Weeks.
Benjamin Ashley.
Ebenezer Searls.
Philip Weeks.
——— Hover.
Ephraim Tyler, Junior.
Gideon Lawrence.
Timothy Hollister, Jr.
Timothy Smith.
Moses Kimbell.
Thomas Marsh.
Benjamin Tolles.
Wright Smith.
Benjamin Davis.
Simon Draper.
John Smith.
and Rev. Wm. Marsh, a Baptist preacher.

The deponent saith that on their arrival at Wyoming they encamped at the mouth of Mill Creek, on the banks of the Susquehanna, where they built several huts for shelter; that they cut grass and made hay on Jacob's plains; that they were shortly after joined by many others; that their whole company on the ground were one hundred and fifty or upwards; that they continued on the ground, according to his best recollection about ten days; that the season being far ad-

vanced and finding that it would be difficult to procure provisions at so great a distance from any inhabited country, the committee of the settlers, viz: John Jenkins, John Smith and Stephen Gardner, thought proper and advised us to return, which was agreed to, and the greatest part of the company withdrew, the deponent being one; that a small number were left on the ground, who tarried some time longer, as the deponent understood. The deponent says that at the time they arrived at Wyoming there were not any inhabitants in that country to his knowledge except one, Teedyuscung, an Indian chief, and a number of Indian families. The deponent did not discover any apppearance of improvements being made by white people previous to the deponent and the company aforesaid going on the lands.

The deponent further saith that at the time they withdrew they secured their farming utensils on the ground, to be ready for the spring following, as they expected to return at that time. He also saith that early in the month of May (as near as he can recollect), in the year 1763, he, the deponent, with a small number of others, went on to Wyoming to renew their possessions; that they were soon joined by a large number, being mostly those who had been on the preceding year; that they took on with them horses, oxen, cows and farming utensils; that they proceeded to plowing, planting corn and sowing grain of different kinds, building houses, fences and all kinds of farmer's business; that they made large improvements in Wilkes-Barre, Kingston, Plymouth and Hanover (as they are now called); that they improved several hundred acres of land with corn and other grain, and procured a large quantity of hay; that they carried on their business unmolested until the month of October; that during their residence at Wyoming this season, according to his best recollection, there were about one hundred and fifty settlers, who made improvements, though not so great a number on the ground at any one time; that he also well recollects lands being laid out and lotted on the Susquehanna river the same year, and that he, the deponent, drew a lot at that time in Wilkes-Barre (as it is now called); that on the 15th day of October, the settlers being in a scattered condition on their respective farms, they were attacked by the savages upon surprise in every part of their settlement, and all at or near the same time; that near twenty were killed of the settlers, the others taken and dispersed. The whole of the property of settlers then on the ground fell into the enemy's hands. The deponent recollects the names of several that were killed, viz: the Rev. William Marsh, Thomas Marsh, Timothy Hollister, Timothy Hollister, Junior, Na-

thaniel Hollister, Samuel Richards, Nathaniel Terry, Wright Smith, Daniel Baldwin and his wife, Jesse Wiggins and a woman by the name of Zeraiah Whitney. The deponent also recollects that Isaac Hollister, one Mr. Shepherd, and a son of Daniel Baldwin were taken prisoners, as he understood. Several others were killed, whose names he does not recollect.

The deponent further saith that early in the year 1769 he was informed that the Connecticut-Susquehanna Company had resolved to renew their possessions at Wyoming; that they had granted one township of five miles square to the first forty that should go on and take possession, and four townships, five miles square each, to two hundred others that should also go on and take possession for the company, or in proportion to a less number, the said settlers to remain in possession for five years; that the deponent was admitted as one of the first forty; that he went, in company with more than one hundred others, some time the last of April or beginning of May; that upon their arrival at Wyoming they found near fifty of the Susquehanna Company, who had gone on early the same year. He was also informed that several had been taken by the Pennsylvanians and sent to Easton goal. The deponent further says they found one Amos Ogden, who it was said belonged to New Jersey, and about eight or ten others, in possession of a trading-house at Wilkes-Barre (as it is called), and at the same place where the deponent, and others of the Susquehanna Company, had built houses in the year 1763; that the said Ogden and his party had some small improvements on the lands where the deponent and others had improved in the aforesaid year 1763.

The deponent further says that to the best of his recollection there were upwards of one thousand on the ground at Wyoming of the Susquehanna Company, in the year 1769, aforesaid, though he believes not more than three hundred at any one time; that they proceeded to improving their old possessions, and made large additions to their improvements; that they plowed and tilled several hundred acres of corn and other grain, built houses and repaired fences, in Wilkes-Barre, Kingston, Plymouth and Hanover, which towns were laid out and lotted, fenced, and carried on a large branch of farming business, peaceably and unmolested, until some time in June, the same year, when a Colonel Francis, said to belong to Philadelphia, accompanied with a large party of armed men, appeared at Wyoming, and drew near to our block-house at Wilkes-Barre, and demanded a possession of our houses and possessions, and threatened, in case of refusal, he, the said Francis, would set fire to our houses and kill our people. After using

many threats, he, the said Francis, withdrew with his party. The deponent says the Connecticut settlers (as they were called) raised great quantities of grain of various kinds—several thousand bushels; that some time in the month of September, a small part of the settlers being at work at some distance from their block-houses, were attacked by a party of men, said to be commanded by the Ogden's; several of the settlers were beat and wounded; that some time in the month of November, as near as the deponent can recollect Ogden's party having increased to two hundred or more, as it was said, all armed. They erected a battery near our block-houses, in Wilkes-Barre, on which they mounted an iron cannon carrying a four-pound ball, and threatened us with immediate destruction unless we surrendered, whereupon an agreement was made between our committee, Stephen Gardner and John Smith, on the part of the Connecticut settlers, and Ogden's and others on the part of the Pennsylvanians, as they were called, whereby the Ogden's and others of their party were permitted to take possession of their block-houses and our possessions at Wyoming. Several of the settlers were sent to goal; some to Easton, some to Philadelphia. The rest of the settlers were dispersed, except about fourteen, who were permitted to tarry on the ground to take care of our cattle, horses, and other effects, which in the agreement were to be restored to us; however, to the best of this deponent's knowledge, neither the deponent, nor any of the Connecticut settlers, had any of their property restored to them, or any compensation therefor, except a small number of cattle, which the settlers found on their returning to the ground the next spring following. The property aforesaid was destroyed and taken off, as it was said by the Ogden's and their party. The deponent further says that on or about the 1st day of April, 1770, he, the deponent, with a large party of the old setlers returned to Wyoming, and removed on many families, and recovered their old possessions; that they found the fourteen Connecticut settlers, which were left in the fall preceding, still in possession of a small fort at Wilkes-Barre. The Ogden's also, and a small party, were also in possession of a garrison; that soon after our arrival a small party of our people were fired upon by Ogden's party. One of the Connecticut settlers was killed, by the name of Stager; that the Connecticut settlers were soon increased to two hundred or upwards, and proceeded to make large improvements on their old farms, with large additions thereto; that they were peaceable and unmolested for a number of months until some time in September, when the Ogden's and others, having collected a large re-inforcement from New Jer-

sey and Pennsylvania, as it was said, they made an attack upon our settlers in their houses at Wilkes-Barre, in the night season, and wounded a number of our people, and took the whole of them prisoners; that the next morning following the Ogden's and their party appeared at Kingston, surrounded our people in their houses, and demanded a surrender of our possessions. This was complied with by the committee on the part of the settlers, that among other things seventeen of the settlers were permitted to remain on the ground with their families, the deponent being one that was allowed this indulgence; that all the settlers, except the seventeen aforesaid, were plundered of all their property by the Pennsylvania party; that in the month of December, the same year, a small party of the old settlers, under the command of Captain Lazarus Stewart, came on to the ground and took Ogden and his party prisoners, and retook the possession of the country; that Ogden and his party were shortly afterward dismissed and dispersed.

The deponent further says that in January, 1771, the Ogden's appeared again on the ground with a large party of about one hundred and fifty, as was said, accompanied with one Kechlin, a sheriff, as he was called. They surrounded our block-houses and demanded a surrender, which was refused by our party. They commenced a heavy fire upon us. They were ordered to withdraw, but still crowded upon us. The fire was returned from our block-houses. Nathan Ogden was killed. The party then withdrew. That the evening following Captain Stewart, and a small party with him, retired and left the deponent, and about ten or twelve others, with their families; that the next morning following the deponent and the others, about ten or twelve, as aforesaid, were all taken prisoners by Charles Stewart and others; robbed of all our property; our families drove off. The deponent, and the others taken with him, were sent under a guard to Easton. The deponent, and three others, were confined in Easton goal, and the others were sent to Philadelphia goal, as was said. The deponent, about six weeks after, broke goal and made his escape, and went to Goshen, in the State of New York; that some time in the month of July, 1771, the deponent again joined a party, mostly of the old Wyoming settlers, under the command of Captains Zebulon Butler and Lazarus Stewart, and repaired to Wyoming. Were shortly after reinforced to the number, as near as he can recollect, of about one hundred in the whole; that on their arrival at Wyoming they found the Pennsylvanians in possession of a garrison, commanded by a Colonel Asher Clayton, as was said, with about fifty men,

armed; their garrison mounted a cannon carrying a four-pound shot; that Butler and Stewart, with their party, the deponent being one, soon laid siege to the garrison; that not having any artillery they made several wooden cannon; that the siege continued twenty-six days, until the 15th day of August, when articles of agreement were entered into between Captains Stewart and Butler, and others, on the part of the Connecticut settlers, and Colonel Clayton, and others, on the part of the Pennsylvania claimants. The garrison was given up to the Connecticut party. The families that were in the garrison with Colonel Clayton were permitted to tarry on the ground about two weeks, and to take off all their property, to the best recollection of the deponent; that the Connecticut settlers went into full possession of their lands and former improvements, and were increasing and extending their settlements for a number of years; that in the year 1775, that in the month of December, a party from Northumberland and elsewhere, under the command of a Colonel Plunket, as it was said, made an attempt to enter Wyoming in an hostile manner, but were defeated by the Wyoming or Westmoreland militia under the command of Colonels Butler and Denison; that the settlements were increasing until the 3d day of July, 1778, when Colonel John Butler, with a party of savages and tories, entered Wyoming, defeated the militia, killed more than two hundred men, to the best of the deponent's knowledge, drove off the surviving inhabtants, and burned, plundered, and otherwise destroyed the greatest part of their houses and other effects; that some time early in the month of August, the same year, Colonels Zebulon Butler and Denison, with a small party of the surviving inhabitants returned to Wyoming, the deponent being one. They retook possession of the country; that a number of families returned to Wyoming the same year, and were increasing a number of years, although obliged to live in a garrison to defend themselves against the savages, as they were repeatedly harassed by the Indians during the late war. Numbers of the inhabitants were killed and captured, and the survivors repeatedly sustained losses of property by the frequent incursions of the enemy.

The deponent further says, that in the month of May, 1784, one hundred and fifty families, or more, of the inhabitants, the deponent being one, were again dispossessed, disarmed, robbed of their property, and drove from Wyoming, at the point of the bayonet, in a barbarous manner, by the Pennsylvania troops, and other Pennsylvania claimants, under the command of Major James Moore, Alexander Patterson and others; that the inhabitants who were drove off regained their possession

near the close of the same year, and have since been increasing; that he, the deponent, believes there are now residing in the county of Luzerne, as Connecticut claimants, near ten thousand souls; and further, the deponent saith that at the time he went on to the Susquehanna lands, in the year 1762, he supposed the same to be clearly within the jurisdiction of Connecticut, and that he did not at that time, nor for several years after, to his knowledge, know or hear of any other purchase being made of the Wyoming lands, except that of the Connecticut-Susquehanna Company.

Upon being cross-examined, the deponent saith, when he first went to Wyoming, Teedyuscung, and the Indians, inhabited log houses, but whether they were built for them by the Governor of Pennsylvania the deponent does not know; that Timothy Hollister laid out the lots in the year the Indians cut off the settlers the first time; that the said Timothy Hollister was a surveyor from Connecticut, employed by the Susquehanna Company; that about the middle of August the deponent left the settlement on a visit to his family in New York State, and returned on the 8th of October. On the day after the attack on the settlement, the deponent having made his escape to Colonel Stroud's, on the Delaware, he, the deponent, was informed by Eliphilet Stephens and William Stephens, who had made their escape, that they had been warned off by Bill Chilloway, an Indian, previous to the attack, and that unless they did move off or build a block-house, and fortify themselves, that they would certainly be cut off; that the deponent was not of the party who quarreled in September, and the deponent does not know whether that party went to Philip Johnson's house to destroy it, as he was in the garrison at Wilkes-Barre during the whole time the party was out; that the deponent does not know any one person who took anything from himself during the time that the fourteen men had leave to tarry; that he left all his effects behind him, and went into the country; that he was not present at the time Stager was killed, and does not know whether he was armed or not. The deponent does not know who plundered the settlers on taking the Forty Fort, nor that there was any plundering, but that he saw plundering the next day at Wilkes-Barre, and from that time till the 25th of December following; that he does not know who killed Ogden, but his belief is that John McDonald killed him; that he does not know whether Charles Stewart robbed any of the settlers; that Major Moore commanded the troops in the garrison at the time the people were removed; that he saw Major Moore commanding troops at that time, and that the deponent was ordered off by the troops

under his command; that at the time he, the deponent, was at Wyoming, in the year 1769, with Major Durkee, he did not know of Governor Penn's purchase of the Indians at Fort Stanwix, and was never informed of it until several of the Connecticut people were taken to goal, which was after his return; that he, the deponent, was sent to goal on a charge for committing a riot at Wyoming, but never indicted by a grand jury to the best of his knowledge.

The deponent further says that Captain Amos Odgen, Nathan Ogden, and John Dick, appeared in command, but he did not see them plunder anything; but deponent saw David Ogden often take the cattle of the Connecticut people and kill them, and likewise Robert Duche, William Sims, Martin Tid, and John Tid, Benjamin Looze, and a number of others, twenty at a time, would drive up our cattle and take them.

PARSHALL TERRY.

Sworn before me,
JAMES BIDDLE

THE INTRUSION LAW OF 1795.

An act to prevent intrusion on lands within the counties of Northampton, Northumberland and Luzerne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person shall, after the passing of this act, take possession of, enter, intrude, or settle on any lands, within the limits of the counties of Northampton, Northumberland, or Luzerne, by virtue or under color of any conveyance of half share right, or any other pretended title, not derived from the authority of this Commonwealth, or of the late proprietaries of Pennsylvania before the revolution, such person, upon being duly convicted thereof, upon indictment in any court of oyer and terminer, or court of general quarter sessions, to be held in the proper county, shall forfeit and pay the sum of two hundred dollars, one half to the use of the county, and the other half to the use of the informer; and shall, also, be subject to such imprisonment, not exceeding twelve months, as the court, before whom such conviction is had, may, in their discretion, direct.

SECTION 2. *And be it further enacted by the authority aforesaid*, That every person who shall combine or conspire for the purpose of conveying, possessing, or settling on any lands within the limits aforesaid, under any half share right, or pretended title as aforesaid, or for the purpose of laying out townships, by persons not appointed or acknowledged by the laws of this Commonwealth, and every person that shall be accessory thereto, before or after the fact, shall, for every such offense, forfeit and pay a sum not less than five hundred nor more than one thousand dollars, one half to the use of the county, and the other half to the use of the informer, and shall, also, be subject to such imprisonment, at hard labor, not exceeding eighteen months, as the court, in their discretion, may direct.

SECTION 3. *And be it further enacted by the authority aforesaid*, That the court wherein any such conviction shall have been had shall issue their writ to the sheriff of the county, wherein the said offense has been committed, or the said conviction had, or if the said court shall be of opinion that the sheriff or coroner are not impartial, then to any other person or persons they may think proper, commanding him or them together with the power of the county, if he or they should judge their assistance necessary, to proceed to the lands in question, and therefrom to eject and expel all and every person or persons thereon intruded as aforesaid; and if the said sheriff, or person or persons appointed as aforesaid should make return to the said writ, that he or they have been unable to execute the same, by reason of the forcible resistance of the parties, or any other persons, or from a just apprehension of such resistance as would render the execution thereof by himself or themselves, and the power of the county impracticable, the Prothonotary of the court to which such writ is so returned shall forthwith transmit a copy of the said writ and returns, under the seal of the said court, to the Governor, and if, upon the said return, or if, upon a certificate signed by the President, or one of the judges of the court of common pleas of the proper county, or by one of the judges of the supreme court, that the process of the court has been resisted, or that there is reason to believe that the civil authority will be incompetent to the execution of this law, the Governor shall deem it expedient to order out a portion of the Militia of this State to assist the civil authority in carrying into effect this Act, or any part thereof, the detachments so called out shall receive the same pay and rations, and be subject to the same rules and regulations, as are provided in other cases.

SECTION 4. *And be it further enacted by the authority afore-*

said, That if a Judge of the Court of Quarter Sessions for the proper counties, or a judge of the Supreme Court, shall apprehend that the Sheriff and Coroner are not impartial, it shall and may be lawful for the said Judge to direct the venire of the grand inquest, and for the traverse Jury, and to any person or persons he or they may think proper.

SECTION 5. *And be it further enacted by the authority aforesaid*, That if any person or persons shall resist any officer, or other person duly authorzed, in the execution of this act, or any part thereof, every person or persons so offending, and every person that shall be accessory thereto, before or after the fact, shall, on conviction, forfeit and pay a sum not more than five thousand nor less than five hundred dollars, and undergo an imprisonment, at hard labor, for any period not less than three, nor more than seven years.

SECTION 6. *And be it further enacted by the authority aforesaid*, That in order to disseminate a knowledge of the provisions contained in this Act, it shall be the duty of the Prothonotaries of the several courts of Common Pleas of the counties of Northampton, Northumberland, and Luzerne, and they are hereby respectively enjoined and required, to read, or cause to be read in open court, the said Act, and every part thereof, at least once in each of the three terms next after receiving the same; and also it shall and may be lawful for the Governor of this Commonwealth to issue his proclamation, enjoining and requiring all persons having intruded as aforesaid, to withdraw peaceably from the lands whereon such intrusions have been made; and further enjoining and requiring the several officers of Government, and the good citizens of this State, to prevent or prosecute, by all legal means, such intrusions and intruders, and to afford their most prompt and effectual aid, in their several and respective capacities, to carry into full execution the laws of this commonwealth relative thereto; *Provided always*, That nothing in this act contained shall extend to the claims of persons claiming lands under and by virtue of an Act, entitled "An Act for ascertaining and confirming to certain persons, called Connecticut claimants, the lands claimed by them within the County of Luzerne, and for other purposes therein mentioned," passed the twenty-eighth day of March, one thousand seven hundred and eighty seven; *And provided further*, That this act, or anything therein expressed shall not be considered as intended to affect any claims under the said law nor as a legislative construction or opinion respecting said Act, or an Act, entitled "An Act to repeal an Act, entitled 'An act for ascertaining and confirming to certain persons, called Connecticut Claimants, the lands by them

claimed within the County of Luzerne, and for other purposes therein mentioned,'" passed the first day of April, one thousand seven hundred and ninety, or the validity or effect of either of the said laws.

GEORGE LATIMER,
Speaker of the house of Representatives.

ROBERT HARE,
Speaker of the Senate.

Approved April 11, 1795,

THOMAS MIFFLIN,
Governor of the Commonwealth of Pennsylvania.

Vote on the Intrusion Law.

Yeas.

Benjamin R. Morgan, City of Philadelphia.
Jacob Hiltzheimer, City of Philadelphia.
Francis Gurney, City of Philadelphia.
Lawrence Seckel, City of Philadelphia.
Robert Waln, City of Philadelphia.
Thomas Forrest, County of Philadelphia.
Joseph Magoffin, County of Philadelphia.
Thomas Paul, County of Philadelphia.
Thomas Britton, County of Philadelphia.
Thomas Bull, County of Chester.
Roger Kirk, County of Chester.
Joseph Pierce, County of Chester.
Robert Frazer, County of Chester.
Thomas Boude, County of Lancaster.
Matthias Barton, County of Lancaster.
Daniel Buckley, County of Lancaster.
John Eckman, County of Lancaster.
Boice Clark, County of Lancaster.
Philip Gartner, County of York.
Alexander Turner, County of York.
Thomas Campbell, County of York.
John Stewart, County of York.
William McPherson, County of York.
John Spayd, County of Berks.
Stephen Balliett, County of Northampton.
George Hughes, County of Northumberland.
Benjamin Lodge, County of Westmoreland.
Michael Pugh, County of Westmoreland.
William Henderson, County of Franklin.
Isaiah Davis, County of Montgomery.

Jacob Wetrick, County of Dauphin.
David McMurtie, County of Huntingdon.
Presley Neville, County of Allegheny.
Dunning McNair, County of Allegheny.

Nays.

Richard Tittermary, County of Philadelphia.
John Ross, County of Chester.
James Kelly, County of York.
Jacob Crever, County of Cumberland.
John Montgomery, County of Cumberland.
Charles Shoemaker, County of Berks.
John Christ, County of Berks.
Baltzer Gehr, County of Berks.
George Graff, County of Northampton.
Abraham Bauchman, County of Northampton.
John Moore, County of Bedford.
Jacob Nagle, County of Bedford.
William Patterson, County of Bedford.
Flavel Roan, County of Northumberland.
Jacob Fullmer, County of Northumberland.
George Smith, County of Westmoreland.
William Wallace, County of Washington.
Craig Ritchie, County of Washington.
James Brice, County of Washington.
Benjamin White, County of Washington.
John Cunningham, County of Fayette.
Daniel Royer, County of Franklin.
Cadwallader Evans, County of Montgomery.
Christian King, County of Dauphin.
Benjamin Carpenter, County of Luzerne.
William Sterrett, County of Mifflin.
James McFarlane, County of Mifflin.

CHARLES STEWART TO THE SECRETARY.

COURT HOUSE, PHILADELPHIA, *April* 25, 1795.

SIR: The council for the Yankys, as they call themselves, have declared that tho' the assembly resolved, that lands should be granted on easy terms to some of the suffering persons amongst them, Yet it had not been done. The minutes

you gave me yesterday mentioned a number of names as persons entitled to that Bounty, and the Draught of Jo Hagerman's, under the seal of the Surveyor General's office, I thought would fully refute this unfounded assertion; but it still is in existence, therefore am under the necessity of once more troubling you on this head, requesting you will look over the resolution and giving, in the way in which you think most proper, an authenticated copy of the orders of survey. That obtained from your office can be further testified by the Surveyor General, so as to prove not only the Grant from the State, but your order of survey and the return as filed in the Surveyor General's Office. As this transaction is a little out of the ususal way you will much oblige me to advert to it and thereby put it in my power to shew truth in its proper colour.

I have sent you the minutes which pointed to this affair, etc.

I am, with very great regard,

Sir, your most obe'd servant,

CHAS. STEWART.

MEMORIAL OF INHABITANTS OF LUZERNE.

Complaint of Irregularities at the Last General Election of Representatives, etc., in the County of Luzerne, March, 1796.

To THOMAS MIFLIN, Esqr. :

We, the subscribers, Inhabitants of the County of Luzerne, would Respectfully represent that we conceive very unwarrantable measures have been taken at our late general Election for the appointment of a Representative in the General Assembly, Sheriff, Coroner, etc. By the Law which regulates the general Election of this Commonwealth (section 24th), it is Declared, "that the Judges of the Election shall make out, under there hand and seal, a fair state and certifycates of the number of votes which shall have been then and there given for each Candidate, which number shall be expressed in word at length, and not in figures only." But notwithstanding the word of this section, we are authorised to declare that the Judges of two of the Districts in this County, viz: Wilkesbury and Wyalusing District, when the Judges met at the County Court House to Count over there votes, made there Returns in figures and not in words; and further, that the Wilkesbury Return, after the Judges met at the Court house, was altered from figures to word by one of the Clarks of the Election. We

are further authorised to declare that the Judges of the Districts of Kingston and Salem, for Reasons best known to thimselves, at the general meeting of the Judges of the other Districts, made no returns of the votes taken in there Districts.

When any man is set up as a Candidate for office, we wish him to have the fair votes and sufrage of the People; but whin the Law regulating Elections is violated, whin Intrigues, fraud and corruption is the Characteristick of the Judges and others Concerned in the Election, we think it our duty, as good Citizens of this Commonwealth, to make true Statement of facts and let the propriety and legality of the Election be discussed and Determined before a proper and Legal Tribunal.

Reuben Jones.
John Cortright.
Nathan Craper.
Henry Courtright.
John Kennedy.
John Benedict.
Stephen Abbott.
Isaac Benjamin.
William Lamb.
James Bagby.
Wyllys Hyde.
Oliver Pettebone.
Elisha Atherton.
Danl. Cook.
Waterman Baldwin.
Elisha Bell.
Rogers Searle.
William Miller.
Asa Dimock.
Ishmael Bennet.
Abr. Vanfleet.
Silvanus Travis.
John Hallsted.
Diodat Smith.
Samuel Miller.
Joshua Padrick.
Elijah Silsbe.
Samuel Miller.
Reuben Taylor.
Ezekiel Goble.
John Gore.
Joseph Tuttle.
David Perkins.
Henry Hutchings.
Daniel Holley.
Richard Westbrook.
Thomas Joshlen.
John Virmedy, Jun.
Stephen Gardner.
Charles Abbott.
Jonah Rogers, Ju.
Allen Volsis.
John Allen.
James Abbit.
William Carneg.
James Connor.
Aaron Dean.
Darius Williams.
Nath. Giddings.
Benjn. Smith.
Arch. Bower.
Thos. Smith.
Constant Searle.
William Miller.
James Brown, the Clerk.
James Hallstead.
Isaac Miles.
David Dimock.
John Davidson.
James Brown, Tailor.
David Brown.
Wm. Searle.
Solomon Millard.
Josiah Ives, Jr.
Wilmot Munsson.
Henry Allyn.
John Chambres.
Daniel Gore.

THE COMPROMISE ACT OF 1799.

An act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne and for other purposes therein mentioned.

SECTION 1. *Be it enacted, etc.*, That Isaac Whelen, of Chester county; Thomas Boude, of Lancaster county; and General William Irvine, of Cumberland county, be, and they are hereby appointed commissioners, whose duty it shall be to carefully examine and ascertain quantity, quality and situation of all lands lying within what have been commonly called and known BY THE NAME OF THE SEVENTEEN TOWNSHIPS IN THE COUNTY OF LUZERNE, held or claimed under a Pennsylvania title, under a patent, or a location, or warrant before the decree of Trenton, by which the right of jurisdiction was declared to be in Pennsylvania, on which a survey has been executed and returned agreeably to law, and to divide the same, according to their value, into four classes, distinguished by the name of the first, second, third and fourth class, the first class to contain the lands of the greatest value, and the second third and fourth classes those of inferior value, preserving a due proportion between each, and shall adjudge what sum per acre each Pennsylvania claimant shall receive, not exceeding the rates hereinafter mentioned: *Provided always*, That nothing herein contained shall authorize the said commissioners to proceed to the performance of the duties enjoined upon them by this act, until persons claiming land to the extent of forty thousand acres under grants made by Pennsylvania, shall have conveyed and released the same to the State by deeds, duly executed, and filed in the land office, for the purpose and for the considerations expressed in this act, and until persons, commonly called Connecticut settlers, claiming land to the extent as aforesaid, shall have signified in writing, under their hands and seals, duly executed in the presence of two witnesses, and filed in the land office, that they will submit to and abide by the determination of the said commissioners; *And provided*, That if part of the said land, but not to the extent aforesaid, shall have been released, or if the Connecticut claimants, to the extent aforesaid, should not make their submissions according to the provisions herein contained, then such releases as shall have been made by Pennsylvania claimants, as aforesaid, shall be null and void, and the property

which shall have been so, as aforesaid, released, shall vest and be held in the same manner as if this act had not been passed; *Provided also*, That the lines of the respective tracts of lands, so, as aforesaid, submitted to the examination of the commissioners, shall be the same as those bounding the original grants, and that the said commissioners shall not examine any lands but those which the Pennsylvania claimants shall have agreed, as aforesaid, to submit to their examination.

SECTION 2. *And be it further enacted by the authority aforesaid,* That to such of the aforesaid Pennsylvania claimants having title, as aforesaid, to lands within either of the said classes, who shall comply with the conditions of this act, such compensation shall be made as the said commissioners shall award, not exceeding rates hereinafter set forth, in certificates, to be issued as hereinafter directed, transferable and bearing interest, receivable as specie in payments to be made at the Land Office, that is to say: to those whose lands shall be in the first class a sum not exceeding five dollars an acre; to those whose lands shall be in the second class a sum not exceeding three dollars an acre; to those whose lands shall be in the third class a sum not exceeding one dollar and fifty cents an acre; and to those whose lands shall be in the fourth class a sum not exceeding twenty-five cents an acre; *Provided always*, that nothing in this act contained shall be construed to direct or empower the said commissioners to include the whole or any one original survey in any one class, unless in their opinion the quality of the whole tract will justify it, nor that they shall fix the price of each tract included in the same class at any price per acre, unless in their opinion such tracts should be of equal value, but that the rate per acre of the several tracts arranged in the same class shall be according to their relative value.

SECTION 3. *And be it further enacted by the authority aforesaid,* That every Pennsylvania Claimant who shall have conveyed and released to the Commonwealth a regular title, as specified in this act, shall, on application to the Board of Property, be entitled to receive a ticket directed to the Comptroller-General, stating the number of acres so released and conveyed to the Commonwealth, and the class to which the said belongs, and also certifying the amount awarded by the commissioners in favour of such Pennsylvania Claimant, and the balance of principal and interest due from such Pennsylvania Claimant to the Commonwealth, on account of the original purchase money of such tract or tracts, which shall be submitted to the Register-General and the Comptroller-General to issue and deliver to such claimant one or more certificates

of the nature herein before specified, for the sum to which his compensation shall amount after having deducted the principal and interest so due to the Commonwealth, and the said Comptroller-General is hereby authorized and directed to issue such certificate or certificates accordingly, and to alter or renew such certificates so as to accommodate payments at the Land Office; and all public money which shall come to the hands of the Receiver-General is hereby appropriated to the payment of the said certificates; and in case of disputes between Pennsylvania claimants before the issuing of the certificates in pursuance of this act, such disputes shall be decided by the Board of Property, according to the general usage; *Provided*, That their decision shall not prevent the party against whom it is made from prosecuting his claim in the courts of law as usual; and in case of an appeal from the decision of the Board of Property, the certificates shall not issue until the dispute shall be decided.

SECTION 4. *And be it further enacted by the authority aforesaid*, That no Pennsylvania Claimant shall be entitled to compensation under this act who shall not make application to the Board of Property for that purpose within six months from the passing of this act, *Provided*, That if such claimant shall, at the time of passing this act, be a *feme-Covert*, under the age of twenty-one years, or out of the United States, one year shall be allowed for making such application from the time such claimant shall cease to be a *feme-Covert*, arrive at the age of twenty-one years, or return to some part of the United States.

SECTION 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners also to ascertain all the rights or lots within the said seventeen townships, which were occupied or acquired by Connecticut claimants, who were actually settlers there at or before the said decree at Trenton, and which rights or lots were particularly assigned to the said settlers prior to the said decree, agreeably to the regulations then in force among them, and to divide the said rights or lots into four classes, to be distinguished in the manner herein before mentioned, according to their respective value, taking into consideration both the quality and situation, and make out certificates therefor, with a draft of the survey thereto annexed; and in case the said original settlers, their heirs or assigns, shall make application to the Land Office at any time before the first day of January, in the year of our Lord one thousand eight hundred and one, and agree to pay to the Commonwealth, by eight equal annual installments, at the rate of two dollars per acre for lands of the

first class; at the rate of one dollar and twenty cents per acre for lands of the second class; at the rate of fifty cents per acre for lands of the third class; and at the rate of eight and one-third cents per acre for lands of the fourth class; with interest upon each installment till the same is paid; whereupon patents for lands so certified shall be issued from the proper office, paying the legal fees for such patents, and also the surveying fees: *Provided nevertheless, and it is hereby expressly ordered*, That no patents shall issue to affect any lands, the titles whereof shall be in any person or persons claiming under Pennsylvania, until such person or persons have conveyed their title to the Commonwealth: *And provided also*, That the lands to be granted to any Connecticut claimants by virtue of this act, shall be mortgaged by such claimant or claimants, for the payment of the principal and interest of the aforesaid installments due to the Commonwealth as aforesaid.

SECTION 6. *And be it further enacted by the authority aforesaid*, That in case any lands shall be conveyed to the Commonwealth by the aforesaid Pennsylvania claimants, for which no application shall be made in the manner hereinbefore directed by Connecticut claimants on or before the first of January, in the year one thousand eight hundred and one, it shall be lawful for the Governor, and he is hereby required to order such lands to be sold at public auction in the city of Philadelphia, giving six months notice of such sale in one or more of the newspapers of the said city, *provided*, the same shall not be sold at a less price than that at which the State has by this act directed it to be offered to the Connecticut claimants; and in case any of the land so exposed to sale should sell for the sum for which it was offered to the Connecticut claimants, then, in such case, it shall be the duty of the Attorney-General immediately thereafter to cause legal process to be issued for dispossessing every such person of the land so claimed, and not sold by the Commonwealth, excepting in the case of minors under twenty-one years of age, and persons beyond the sea, who shall be allowed a further time of one year from the time the land claimed by them was exposed to sale as aforesaid, by themselves, guardians or attorneys, to make their application and comply with the terms of this act.

SECTION 7. *And be it further enacted by the authority aforesaid*, That each person claiming the provisions of this act shall, prior to the commissioners classing and valuing such persons and by virtue of this act, make oath or affirmation (which oath or affirmation either of the said commissioners is hereby authorized to administer) "that he or she does not claim title under a joint right of the Pennsylvania claimants and of the

Connecticut settlers, but that he or she holds exclusively under one or the other of the aforesaid rights, and that he or she has not directly or indirectly done or caused to be done any act or thing to destroy or conceal such joint title, with a view of coming within the provisions of this act;" and if it shall appear that any person claiming the provisions of this act holds by such joint title, or that such joint title has been destroyed or concealed with the view aforesaid, then in that case such lands shall not be within the provisions of this act.

SECTION 8. *And be it further enacted by the authority aforesaid*, That each of the said commissioners, before he acts, shall take an oath or affirmation before some Judge or Justice of the Peace "that he will diligently, faithfully and impartially discharge the duties assigned him by this act," and in case either of the said commissioners shall die, or refuse or become incapable to act, the Governor shall appoint a person to supply his place, and all acts by a majority of the said commissioners shall be as valid as if they had all joined therein.

SECTION 9. *And be it further enacted by the authority aforesaid*, That the said commissioners shall keep a regular account of their proceedings in a book, which shall be deposited by them in the Office of the Secretary of the Land Office, and they may appoint a clerk, who shall be sworn or affirmed before them faithfully to register all their proceedings in pursuance of this act, and they may appoint a surveyor or surveyors and employ chain carriers and markers for the purpose of such surveys as they shall judge necessary, and the said surveyors, chain carriers and markers shall be sworn before a justice of the Peace or one of the commissioners, faithfully to perform their respective duties, and shall receive a reasonable compensation for their services, to be fixed by the said commissioners, and paid by the Commonwealth, and all surveys made by direction of the said commissioners shall be by them returned to the Office of the Surveyor General.

SECTION 10. *And be it further enacted by the authority aforesaid*, That there shall be allowed and paid out of the public Treasury to each of the said commissioners three dollars and fifty cents per day, and to their clerk three dollars per day, for each day that they shall be respectively employed in performing the duty required by this act.

SECTION 11. *And be it further enacted by the authority aforesaid*, That in cases of dispute between the Connecticut claimants, they may elect to have the same decided by the said commissioners, or appear before such decision, to the court of Common Pleas of the proper county, and a certificate from the clerk of such commissioners or from the Prothonotary of such

Court of Common Pleas, before which tribunal such decision may be had, certifying in whose favour the same is adjudged, shall be good evidence to obtain a patent from the proper office aforesaid.

Passed April 4, 1799.

ALEXANDER HUNTER TO THOMAS GRANT.

SUNBURY, *September* 22, 1799.

DEAR SIR: As you informed in your last the time for Pennsylvania Claimants Releasing their Lands at Wyoming to the State would expire on the last of this month I have, by Mr. Vaughan, forwarded you a Release of ours in the Seventeen Townships, save one tract in dispute with Samuel Wallace, in the name of Wm. Hendricks, nearly opposite the mouth of Wapwallaping, which Draft or a Copy you will oblige me by bringing from the office. Captain Cook insists the time does not expire before the last of December; but lest we should be mistaken I have sent in time, Depending on you to Present it at the proper office. Your folks are all well. We have had a very wet spell and the River rising fast. Nothing new here. People Healthy.

I am with Respect,
Yours Sincerely,
ALEX. HUNTER.

THOMAS GRANT, Esq.

[Endorsed] Thomas Grant, Esquire, now at Lancaster, by Mr. Vaughan.

PETITION IN BEHALF OF THE INHABITANTS OF NEWPORT, LUZERNE COUNTY.

To the Honorable the Legislature of the Commonwealth of Pennsylvania the Petition of Jonathan Smith and Jonathan Kellogg, agents for the Inhabitants of Newport, in the County of Luzerne, most respectfully sheweth:

That the said Inhabitants occupy a Township within the provisions of the Act of Assembly passed the 4th of April, 1799, entitled an act "offering compensation to the Pennsylvania Claimants for Lands by them claimed in what are called the

17 Townships in the County of Luzerne, and for other purposes therein mentioned."

That in laying out said Township of Newport, as well in laying all others of the Seventeen, with views to support a preached Gospel and educate the Children in said Township, and conformably to a positive ordinance among the Rules of settlement in the Regulations of the Susquehana Company, these Rights, so called, containing Nine hundred acres, were set apart and sequestered. The first three hundred acres was to vest in the first settled Clergyman in the Township, the second three hundred acres to his use during his ministry, and the third three hundred acres to the use of Schools by dividing the Rent annually, according to the number of schools which might be instituted and kept up in said Township. That the original design then, in reserving said nine hundred acres in said Township, being apparent to diffuse useful knowledge, which is so essential to the preservation of those blessings we daily participate in our free government, and that the said provision, so far as it respects the School, corresponds so substantially with a most important provision contained in the Constitution of our State in erecting Seminaries and schools that the Poor may be taught gratis, that your Petitioners feel a confidence in praying your Honorable body, to grant in Trust to your Petitioners the aforesaid Nine hundred acres of Land to the use of the Inhabitants of said Township for the purposes before recited, without advancing or securing the payment of any money, and without which no Individual, as a Connecticut settler, by the Terms of the act aforesaid, for his Individual claim to lands in said Township to a title can succeed.

And your Petitioners as in duty, &c.

JONATHAN SMITH,
JONATHAN KELLOGG.

Dec'm'b. 30, 1799.

TENCH COXE TO GOVERNOR McKEAN.

LAND OFFICE, *January* 31, 1800.

SIR: I have the honor to submit to your inspection a Copy of the application N. 1 of Moses Atherton, a Connecticut claimant, which, with many others, were entered in the Land Office on or before the 21st instant. Altho' applications have been made for the quantity of 40,000 Acres (and more), required by

the law to give it effect, an official report thereof is delayed on account of information received, that a number more will arrive by mail in a very short time. This paper is transmitted, Sir, merely for the purpose of exhibiting the form in which the Connecticut Claimants have executed their instruments of application and submission. Considering the antecedent circumstances of the Connecticut pretensions and intrusions upon Pennsylvania, it is respectfully conceived, that every reasonable caution and scrutiny should be applied to their instruments and proceedings under the Act of April 4, 1799. There are yet eleven months to correct errors and imperfections, as the time allowed for Connecticut applications and submissions ends with the year 1800, tho' the releases from the Pennsylvanians could not be received after the fourth day of October 1, 1799. Tho' the following remarks may be in part at least, on points not essential, I beg permission to submit them entire to your perusal.

You will perceive, Sir, that the recital from line 1 to line 5 is unskillfully drawn, and that its precise intention is not clear. By leaving out the word "by," in the first line, it would have been more intelligible; but it is probable it may not be held materially exceptionable in its present form. In the 2d recital, line 7, the instrument describes the persons intended by the Act, as "persons called Connecticut Settlers." The 5th Sec. of the Act of April 4, 1799, uses these words, "original settlers, their heirs and assigns," with reference back to them, in the former part of the section, as Connecticut claimants who were actual settlers at or before the time of the decree at Trenton, on lots particularly assigned to them (the said settlers), before the said decree, agreeably to the regulations then in force among them. It is true, however, that the part of the instrument now under notice, is only preliminary recital, and not the essential part of the Act or Deed of application and submission. It is also true that the first Section in the provisos is in the terms of this Act of submission. It relates, however, to the powers of the Commmissioners to proceed, and not to the obligations of the claimants.

In the 12th and 13th lines, Moses Atherton, the applicant, only stiles himself "a Connecticut settler claiming lands in the seventeen Townships." He does not say he was an actual settler at or before the decree of Trenton, nor an heir, nor an assign of such a settler, nor an original settler. Neither does he say that the lands he claims were particularly assigned to him or his predecessors in the line of descent and purchase. The lands may have been under Connecticut rights of dates subsequent to December, 1782; and may even be half share rights

for any thing that appears on the face of the instrument. No evidence accompanies them. It is true these persons, or such part of them as claim 40,000 acres, may yet clearly appear by subsequent evidences and circumstances to be strictly within the meaning and even the letter of the law. To bring forward this evidence in season, guarded intimations may perhaps be safely made to the applicants to proceed in the train of Acts, required of them by the several sections of the law. The words in line 15, designating the land, are merely these: "land in the Township of Plymouth." Those words are neither closely descriptive nor indeed in the least degree indicative of any particular tract in the township, but equally applicable to every lot of eighty Acres in the Township. The designation is not more defective as to buts, bounds, intersecting waters and adjoining lands, than it is as to the original Connecticut settlement and the various other matters, which relate to the peculiar objects of the law. In this part of the instrument of application it again appears, that the Connecticut claimants have had most in view the provisos to the first section of the Act.

In the 19th line the engagement to submit to and abide by the determination of "the Commissioners or their successors," would seem to have been better expressed if it had been followed by words designating them as named in, or to be appointed in pursuance of the Act of the 4th April, 1799. Yet it will probably appear, Sir, to your better Judgment that it is rather a reasonable criticism upon the language of the instrument than an indication of an essential imperfection

If the words "in the premises," in the 19th line, and the whole of the 20th line, together with the first word "claimants," in the 21st line, had been left out; and the words "in relation to the said three parcels of land by me claimed," had been inserted in their stead, it would seem to have been less liable to evasions. The words "the premises," have not, perhaps, a reference perfectly definite from the imperfections of the preceeding parts of the instruments, and the words "may be released," do most materially affect the strict letter of these acts of application and submission, because no Pennsylvania claimants have, will or can release after the dates of those acts of the Connecticut claimants. It would have been much more satisfactory to have used the words, "as shall appear to have been released."

Upon the whole, sir, the degree of importance to be attracted to that prospective expression in the 20th line, seems to be worthy of the legal consideration by which you are so well able to determine its construction and operation. These instru-

ments will, after acceptance, be filed of record in the land Office, yet it may be prudent to have them acknowledged by the parties or proved and recorded in the Rolls Office. The evidence of their genuineness, by an acknowledgment in person, is desirable. It is not certain that a transmission of them to Luzerne would be legal, but official Copies to be furnished to the Commissioners might be acknowledged to be correct and true Copies by the applicants themselves in Luzerne.

A desire of bringing this subject before you in the best order in my power, has induced me to trouble you with these notes, which I beg you to excuse. The deposition in regard to holding under the Connecticut title only has been intimated to the bearers of the applications in conversation with them, as also a particular designation of their tracts; on these points most of the Pennsylvanians have been precise. I have the honor to be,

Sir, your mo. ob't
and mo. h'ble S't,

TENCH COXE,
Secretary of the Land Office.

TENCH COXE TO THE ATTORNEY GENERAL.

LAND OFFICE, *February* 6, 1800.

SIR: I have the pleasure to receive your favor intimating your intention to transmit your opinion on the subject of David Mead's law, etc , for which I will thank you as soon as your convenience will admit.

I have now, sir, to present to your very particular consideration, an important instrument of writing, whereof the inclosed is a copy. It is the application and submission of Moses Atherton, a Connecticut Claimant, under the Act of the 4th of April, 1799, entitled "An act for offering compensation to the Pennsylvania Claimants, etc." Having had the honor to communicate the same to the Governor, for his information, and to submit to him some remarks and suggestions, I trouble you with a Copy of them in the hope that they may facilitate your consideration of the various points. A very large proportion of ninety three applications (for the quantity of 46,000 as. of Land), are in the same form, being made by printed blanks filled in by the claimants according to their cases, respectively. It is unnecessary to press upon you the reflexions that it

would be equally inexpedient to interpose any but valid objections, and to accept instruments of application and submission liable to just exceptions. Should it appear that these instruments require essential amendments, it might be well, perhaps, to do it in the following manner. In order to procure an acknowledgement of the execution of these instruments by the claimants themselves in Luzerne, an instrument might be prepared for each applicant reciting his application at length, and then containing some clause of explanation or amendment as to the points of doubt or exception. This, executed before the Commissioners, would perhaps cure the whole. There is yet time, and the case is of primary importance. On the receipt of your opinion the Board of property will take such order in the Case as may appear necessary and within their powers and duties. It is at their unanimous request that I have made to you this communication.

I am, Sr,
very respectfully
Your mo. ob't Ser't,
TENCH COXE,
Secretary of the Land Office.

The Attorney General of Pennsylvania.

TENCH COXE TO ISAAC WHELEN.

LAND OFFICE OF PENNSYLVANIA, *February* 8, 1800.

SIR: I have the pleasure to inform you as one of the Commissioners, that there have been presented at this Office, Deeds from the Pennsylvania Owners of Lands in the seventeen Connecticut Townships of Luzerne, to the amount of more than 40,000 Acres; there have been also transmitted to this Office applications from Connecticut Claimants to the amount of more than 40,000 Acres, as required by the act of April 4, 1799. The other two Commissioners, Generals Irvine and Boude, have been apprized of this matured state of things, and are preparing to enter upon their duties. This information is given to you to enable you to make your preparation, to set out so as to suit your private affairs.

If you should be in Lancaster I shall take pleasure in giving you such other information as you may desire.

I am very respectfully,
Your most obed't servant,
T. C.

Isaac Whelen, Esq'r, near Downingtown, Pennsylvania.

REPORT OF THE SECRETARY OF LAND OFFICE.

LAND OFFICE OF PENNSYLVANIA, *February* 13, 1800.

In obedience to the order of the House of Representatives of the 10th instant, the Secretary of the Land Office has the honor, respectfully, to report the following proceedings under the Act of the General Assembly, passed on the 4th day of April, 1799, entitled "an act for offering compensation to the Pennsylvania claimants of certain Lands within the seventeen Townships in the County of Luzerne, and for other purposes therein mentioned."

It is understood that the Secretary of the Commonwealth, immediately after the passing of the Law, communicated to the Commissioners named by the Legislature, that the duties designated in the act had been assigned to them. Communications, personal or written, have since taken place between the Land office and the Commissioners, in order that they might stand prepared to proceed to Luzerne whenever the season shall admit.

It appears from the releases and Conveyances to the Commonwealth, which have been deposited in the Land Office, by persons holding under Pennsylvania, that the state is reinvested with titles to lands in Luzerne County of dates prior to the decree of Trenton, to the amount of ninety-one thousand three hundred and eighty-seven acres and ninety-one perches, agreeably to the general abstract A., which accompanies this report.

Besides the lands so released and conveyed by persons who held under Pennsylvania, there are likewise written applications from the same description of claimants to the Board of Property for compensation under the law of the 4th April, 1799, for other parcels of land to the amount of eight thousand seven hundred and eighty-seven acres and one hundred and two perches agreeably to the abstract B., which also accompanies this report. The Lands contained in the last mentioned abstract are not yet released or conveyed, so as to enable the Commissioners to proceed to examine and value them under the law. But measures have been taken to obtain the proper necessary instruments. It will be perceived, however, that the lands in the first mentioned abstract, alone exceed the quantity of forty thousand acres.

The Connecticut Claimants transmitted to the Land office,

principally on the twenty-first day of January, last, a number of instruments of applications and submissions, which are exhibited (together with a copy D. of one of them) for the information of the House, in the General Abstract C. They relate to one hundred and sixty-four tracts and lots of land amounting in the whole, to forty-seven thousand one hundred and fifty-nine acres and three-quarters of an acre. A few of these applications have been received at the Land office since the order of the House. It is uncertain whether any more will be presented, tho' it appears very probable that some yet remain to be delivered. From the manner in which the Connecticut applications have been made, and under the circumstance of the applicants generally possessing a knowledge of the situation and boundaries of the seventeen Townships, it has been found practicable for them distinctly to exhibit the quantity in each, for which they apply; and it is observable that their applications are diffused among all the Townships but one. But as the official papers of Pennsylvania do not contain any references to the Connecticut Townships, and as very few Pennsylvania Townships existed in that County at the dates of these ancient rights, it has been found impossible to designate the situation of the Pennsylvania lands more precisely or in any other manner than will appear on reference to the abstract A. The returns of Survey, however, required by the act, will afford to the Commissioners authentic and accurate information on that essential point.

Since the receipt of Releases and applications to the amount of forty Thousand acres from each of the two descriptions of persons mentioned in the Law, the necessary Information has been given to the three Commissioners, and opportunity has been taken for preparatory conferences with two of their number, who were at the seat of Government. They await only the receipt of the necessary official papers and the proper season to proceed upon their duty.

As soon as Connecticut applications were transmitted from Luzerne to the amount of forty thousand acres, the Secretary of the Land office had the honor to communicate the Event to the Governor, and at the same time to inform him of an intimation that a few more instruments of the same nature were expected from that County. The Governor, in Consequence, was pleased to direct that all the documents necessary to exhibit the quantity of land and the general circumstances of the business, should be put into such a state of preparation as to be ready for the information and use of the Legislature whenever those applications, which were expected, should arrive. That circumstance took place on the eleventh instant. On

that day also the order of the House was received at the Land office. The three abstracts which the Secretary in obedience thereto, has now the honor to transmit, will shew (as it directs) how far the act to which those abstracts relate has been complied with, as well on the part of the Pennsylvania claimants as by the Connecticut claimants.

TENCH COXE,
Secretary of the Land Office.

JOHN FIELD TO TENCH COXE.

PHILADELPHIA, 2 *mo.* 24, 1800.

TENCH COXE, Esq'r:

RESPECTED FRIEND: I have now under my notice a Copy of thy Letter of 13th inst., to Geo. Williams, respecting certain Lands belonging to the Estate of my Wife's Father, D. Williams, part of which are supposed to lay within the Connecticut claims. I lately requested Wm. Parlen to send me Copies of the returns of Survey for those Lands, by recurring to which it may be seen whether any, and if any, which of the Tracts are so situated, and I should be obliged by thy looking at them and giving me such information as may be necessary to ascertain the matter, as I am ignorant of the boundaries of the Connecticut Claims. When that is done I will attend to the several points thou mentions, in order that the business may not be further protracted. Geo. Williams has no further agency in the business

The bearer, David Mead, Esq., having received some information respecting the Conduct of some of the deputy Surveyors in the districts West of Allegheny River towards the Pennsylvania population Company (of which I am a member), and myself and Son, has desired me to relate what I know thereof. But on examining my stock of information, tho' it is extensive and various, it appears to me too imperfect to be taken as evidence, being chiefly what I have heard from others. A number of persons are now, or will shortly be at Lancaster, who are more particularly acquainted with the same things to whom reference may be had if necessary. The Company and myself have suffered great and very grievous impositions, which could very readily be substantiated, but if ever we procure any redress I presume it must be in a Court of

Law. Those impositions, I believe, have proceeded partly from some Deputy Surveyor, but mostly from men of bad dispositions, endeavoring to possess themselves of our Lands; and to defeat such combination of evils and prevent very serious disturbances in this quarter, the Company and myself have been obliged to give those intruders great part of our Lands, also to advance enormous Sums of Money to settle and improve them. I had very little knowledge of the Land business when those things occurred, but it was then my opinion the Company should apply to the Surveyor Gen'l for redress in those parts if any that originated from his deputies, and I have since regretted it was not done, as from my own observations I believe he would have called his deputies to a sworn acco't so far as they were concerned. With regard to the present deputy in District No. 2, I do not know him, nor am I acquainted with any improprieties of Conduct on his part if such exist. The present information I consider as out of season and that I am probably more blameable than the officers of the Land department in Philad' and Lancaster in those things that concern myself, in short, I do not see how they can at all be held accountable for improprieties of which they were ignorant of, therefore I acquit them freely and fully.

I am, Respectfully,

Thy assured Friend,

JOHN FIELD.

CIRCULAR TO WYOMING RELEASERS.

LAND OFFICE, PA., *June* 13, 1800.

SIR: On making up the file of Pennsylvania returns of survey of Lands in the 17 Connecticut Townships of Luzerne County, it is found that a few are missing. After diligent searches in the Surveyor General's Office, no traces are perceived of those noted below. If you possess copies of those returned, or even surveyed, it is very desirable that you should bring them forward immediately. The best step that can be taken is to transmit to this office every particle of evidence that you possess or can obtain, tending to establish either an actual and regular return or a survey or any other measure in execution of the warrant partly or wholly.

I shall forthwith inform the Comissioners in all cases of per-

fect execution. In cases wherein further measures may appear necessary and may be found within the powers of the Board of Property, the matter will be taken up therein for remedy or completion.

THE COMMISSIONERS TO THE ATTORNEY GENERAL.

WILKESBARRE, LUZERNE COUNTY, *July* 21, 1800.

SIR: We find many difficulties in the execution of the act offering compensation to the Pennsylvania Claimants of Land in the County of Luzerne, particularly as we apprehend some of the enacting clauses are directly opposed to each other. We conceive it, therefore, to be necessary, indeed our duty, to apply to you, as Attorney General of the State, for your opinion and advice.

FIRST SECTION. "That the said Commissioners shall not examine any lands but those which the Pennsylvania Claimants shall have agreed as aforesaid to submit to their examination."

FIFTH SECTION. "That it shall be the duty of said Commissioners also to ascertain all the rights or lots within the seventeen townships, which were occupied or acquired by Connecticut Claimants, who were actually settlers at or before the decree of Trenton, and which lots or rights were particularly assigned to the said settlers prior to the said decree at Trenton, agreeably to the regulations then in force among them."

We ask, Shall the prohibition in the first section prevent the Commissioners from ascertaining and valuing the Connecticut rights or lots within the seventeen townships where the Pennsylvania Claimants have not released to the State?

The transfers and sub-divisions have been so numerous among the Connecticut Claimants themselves, that it will be a work of years if the Commissioners must attend to this minutia.

Question then, Are the Commissioners to ascertain and value the original rights or lots (only) of the Connecticut Claimants, or must they ascertain and value the numerous divisions and sub-divisions of those original rights or lots as they are *now held?*

In the progress, altho' there are other difficulties, we are unwilling to trouble you with more than what we consider indispensably necessary; in the meantime we will proceed in such

parts of the business as do not require decision on these points, and we take the liberty to mention to you that we judge it prudent to conceal our embarrassment and to appear to act as if the law was clear to us in every particular.

We request your answer as soon as convenient by Post, and are, respectfully, Sir,

your obedient Servants,

THOS. BOUDE,
WM. IRVINE,
ANDREW PORTER.

P. S.—We will communicate to the Secretary of the Land Office such other difficulties as occur in detail.

The within and above is a true Copy, July 22, 1800.

Attest: JOHN SHIPPEN, *Clerk.*

JOSEPH B. MCKEAN, Esq., *Attorney General.*

JOSEPH WHARTON TO TENCH COXE.

PHILADELPHIA, *August* 2, 1800.

SIR: I was told a few days past by a messenger from Sam. Howell, Sam. Pleasants, & C. Foulke, that these men were about memorializing you not to deliver to me whatever Certificates may be awarded on the lands I had conveyed to the State in the 17 Townships in Luzerne County, unless I consented to join in some Declaration with them, as my assignees to you on this subject. I referred the messenger(who was Owen Foulke) to the mortgage I had given to my assignees as sufficient security to them against any undue conduct of mine, besides they had the certain knowledge and experience of my not only having made them, among others (and for which I shall forever repine), my assignees (unknown to and unsollicited by any one), but that such was my undeviating integrity as never to have paid my Debts in Continental money, altho' conformable to law and universal usage, or I should not have suffered in fame, fortune and happiness what their cursed stewardship hath inflicted on me and my poor Children. How, then, can these jealous men suppose me capable of injustice who peculiarly witnessed from me such eminent proofs of self denial to

them and to those they represented? But, Sir, as you are the officer of Government, whom they are memorializing against me (and with whom they would affect my character and circumstance), I have taken the liberty to enclose to you a copy of my letter to my brother, Mr. Isaac Wharton, also an assignee, who has refused to memorialize with them, in order to manifest the clearness of my conduct in all my transactions between the State, my assignees and myself. Besides, Sir, you are a witness for me that I did long since inform you that all the lands I had conveyed to the State were mortgaged by me to these very Complainants, but that it was right, however, in me to convey to the State, for facilitating the Luzerne business and leaving the affair of the Certificates to come forward in their proper time and order. Indeed from the apparent distress and conduct of these men I am apprehensive they have not had the mortgages recorded in Luzerne County, and, therefore, they are afraid of fighting me by trial at law, which their infamous conduct to me and my Creditors make them revolt at. Would it not, Sir, be within the nature of your office or of Mr. Muhlenburgh's to make enquiry of the Record office in Luzerne County, whether the mortgage given by me in August, 1796, to Isaac Wharton, Sam. Howell, Saml. Pleasants, & C. Foulke, was in one time recorded? It would certainly, in either case, put the State on its proper ground to ascertain to whom the Certificates may be legally delivered on the Commissioners' return being made. I pray your pardon for this trouble and the grammatical and other faults in my letter, for the condition of my health disqualifies me either for elegance of stile or close attention to matter, and I request the favor of you to acknowledge receipt of it, with such animadversions as you may think necessary. After all, perhaps, this address ought more properly to be made to Mr. Muhlenburgh, and if so, be pleased to deliver it to this Gentleman with my respects, and if not appurtenant to his office, yet I shall be glad he may peruse this Letter and the one to Isaac Wharton.

I am Sir, Respectfully,
Your most ob'd't Serv't,
Jo. Wharton.

P. S.—I shall be thankful to have this and the enclosed officially noticed with the Pennsylvania Claimants records.

J. W.

THE COMMISSIONERS TO TENCH COXE.

WILKESBARRE, LUZERNE COUNTY, PENN'A,
August 5, 1800.

SIR: We have to acknowledge the receipt of your Letter (with its enclosures) of the 12th July.

We transmit you herewith, eighteen Connecticut applications which have been handed to us for that purpose.

If you will be pleased to examine the Release of James Rose, you will probably find it incomplete; perhaps it is an error in the Copy sent us, as we are unwilling to suppose an intentional deception in the Releasor. This release, agreeably to the exemplification in our possession, commences by particularly naming the several late Proprietaries with their additions, as if they had been the parties of the first part to the deed, when a sudden transition takes place to the clause of transfer to the Commonwealth in the third person singular, the *habendum et tenendum* clause is usually correct; and Jame's Rose's signature, the first mention of his name, except in a very brief accidental recital towards the close of the Instrument.

It is generally said, and credited here, that the Act of Assembly passed the 28th day of March, 1787, commonly called "the quieting act" or "confirming law" (though repealed), is determined to be in some respects yet in force; this is the opinion, say Connecticut Claimants, of Judge Patterson. Hence, they ague that they will have a right to obtain Pennsylvania titles at the rate of 50s. per hundred for all Lands settled by them before and since the Decree at Trenton, whether within or without the 17 Townships, unless Penns'a, warrants were previously laid. They, therefore, deem it unnecessary to apply (under the present Law) for Lands not claimed by Pennsylvanians.

There appears great anxiety in a few individuals to know almost every minute step of our Proceedings; they express a strong desire to have the business speedily accomplished, and at the same time intimate their opinion that the law might have been contrived better, and in such a manner as to have been more easily executed. They teaze us with so many enquiries, whether certain things cannot be done under the Law, and whether we do not construe particular clauses so and so, that if their conduct is not insidious, they are themselves more ignorant than we believe them to be.

We are going on much in the same way as when we wrote you of the 22d ulto. We hope to proceed with more confidence when we shall have received answers from you and the Attorney General, which we now hourly look for. At all events, although we shall not be able to finish the business this year, we expect to put it in such train that we or successors may proceed with more ease some other years.

Enclosed you have a Luzerne newspaper, in which the doings of the Commissioners are stated, by consent.

Although by the general abstract of Releases A or No. 3, it appears that Thomas Hartley, Esq'r., has duly executed a deed of release to the Commonwealth for 1,288½ acres, and by the index and certificate from the surveyor gen'ls office it appears there are five distinct tracts, the drafts of the surveys of three whereof have been furnished us Nos. 177, 178, 179, those of the other two (in the names of Thomas Smith and Peter Dehaven) certified by surveyor general not to be found, yet no Exemplification of his Release has been forwarded to us.

We are respectfully, Sir,

Your Obedient Servants

WM. IRVINE,

ANDREW PORTER.

TENCH COXE, Esq'r., *Secretary Land Office, Pennsylvania.*

THE COMMISSIONERS TO TENCH COXE.

WILKESBARRE, *August* 13, 1800.

SIR: We are favored with yours of the 31st ult., in which were exemplifications of Mr. Boudinot's Releases and Returns of Survey, but we have not yet received an answer from the Attorney General.

We have repeated proofs of your particular attention to the business in which we are engaged, and have no doubt but you will continue to render every service in your power; and, as we hinted before, we should probably have occasion to trouble you frequenly, we again remind you that it will be necessary for you to collect all the detached patience you can.

From what you say we begin to look for Mr. Coats, the Penn's agent; his coming prepared, in the way you mention, must

not only be useful, but is absolutely necessary to our accomplishing anything considerable this Year.

Mr. George Gibson handed West's Papers mentioned by you.

You will receive herewith three Connecticut submissions; we are told of a number more preparing, almost for one whole township; but it is said a few, considerably influential men too, yet continue obstinate; they say the Connecticut title is good enough. Mr. Shippen will hand you this; he can inform you of several matters which can be better done in Conversation than on paper.

The Connecticut Act, giving up these people, has been promulgated, and in due time may have a good effect. But the quieting act (so called) of Pennsylvania, is referred to on every occasion.

We are, Sir, with sentiments of respect,
your obedient Servants,
WM. IRVINE,
ANDREW PORTER.

TENCH COXE, Esq., *Secretary Land Office, Pennsylvania.*

THE COMMISSIONERS TO TENCH COXE.

WILKESBARRE, *August* 25, 1800.

SIR: Your letter of the 12th instant, accompanied by sundry copies of Releases and applications, was duly handed to us by Mr. Ross. Among the applications herewith, you will find one from the bearer, Judge Gore, whose example in coming forward will doubtless have some weight. There is another person accompanies him; what their business is we know not, but have heard, by accident, that they have particular business at the Land office.

We Judge it prudent to confine our inquiries solely to matters connected, either directly or indirectly, with the business committed to us, we cannot, however, shut our Ears to common reports, one of which is reiterated, that Connecticut people still continue to buy up half share rights without the 17 townships; it follows, of course, that these deluded people must be encouraged by some leading character here, there must be a system. A mere swindling scheme of an individual or two, it is to be presumed, would soon be detected. To oppose this, it is true that the people now coming to settle and purchase,

are extremely ignorant, as many of the old settlers, it is said, are willing to purchase Pennsylvania titles as soon as it can be ascertained who really holds them. You will receive thirty-two applications and submissions herewith. If the Pennsylvania Releases were more numerous or general, the business would go on much easier. We have heard no more of Mr. Penn's Agent than what you mentioned in your letter of the 30th July.

General Boude thought, when he left this, of being only, about two weeks absent; more than four have elapsed. If sickness or other accident should prevent his return much longer, he will doubtless notify either the Government or us If no misfortune overtakes either of us, or families, we can, we hope, do everything that could be done by three, not more capable than ourselves, the remainder of this tall.

We are Respectfully, Sir,
Your obed't Servants,
WM. IRVINE,
ANDREW PORTER.

TENCH COXE, Esqr., *Secretary of the Land Office.*

MEMORIAL OF MATTHIAS BARTON AND ESTHER, HIS WIFE.

LANCASTER, *September* 27, 1800.

We, Matthias Barton, Esquire, and Mrs Hester Barton, late Coxe, for and in behalf of the Widow, heirs and devisees of Col. John Coxe, of Bloomsbury, in New Jersey, deceased, do hereby make application to the Board of Property of Pennsylvania for the benefit of the Act of Assembly of this State, bearing date on the 4th day of April, 1799, entitled "an Act for offering Compensation to the Pennsylvania claimants of Certain lands within the Seventeen Townships in the County of Luzerne, and for other purposes therein mentioned;" by the release of all lands of the said Widow, heirs and devisees, late of the said Colonel Coxe, deceased, which are held under titles prior to the 31st December, 1782, and which shall be found to lie within the said seventeen Connnecticut Townships.

MATTHIAS BARTON,
ESTHER BARTON.

Witness, PAUL ZANTZINGER.

Know all men by these presents that, whereas, John Coxe, late of the City of Philadelphia, Esquire, deceased, in and by his late will and Testament in writing, bearing date the seventh day of February, Codicil thereto annexed, bearing date the twentieth day of October, in the year of our Lord, one thousand seven hundred and ninety-two, did give to his wife and children sundry parts of his real and personal Estate and all the remainder thereof he did give and bequeath to six daughters therein named in Fee as tenants in common with full power and authority to his Executors the survivors or survivor of them, to sell or dispose of all or such part of his real and personal Estate as should be necessary, as well for the purpose of dividing the produce thereof among his children, as for the payment of his debts and legacies for the education and support of his children, whenever they should think a sale of any part thereof would be for the advantage of the whole, and in such case that the surplus money arising therefrom be equally divided between all his children, share and share alike, as in and by the said recited will and codicil duly proved and recorded in the Register's Office at Philadelphia, more fully appears. Now Know Ye that we, Esther Coxe, John Stephens and Matthias Barton, surviving Executors of the said John Coxe, Rachel Stephens, wife of the said John, Esther Barton, wife of the said Matthias, Catharine Stockton, widow, and John Redman Coxe and Sarah his wife, the said Rachel, Esther, Catharine and Sarah being three of the children of the said John Coxe, in consideration of the compensation offered by an act of the Commonwealth of Pennsylvania, entitled "an Act for offering compensation to the Pennsylvania claimants of certain Lands within the seventeen Townships in the County of Luzerne, and for other purposes therein mentioned," and also of one Dollar paid to us by the said Commonwealth, the receipt whereof we hereby acknowledge, have granted, remised, released, conveyed and forever quit-claimed, and by these presents do hereby grant, remise, release, convey and forever quit-claim to the said Commonwealth of Pennsylvania all our joint and separate Rights, Titles, Interests, Properties, claims and demands, both legal and equitable, of, in, and to all and singular the lands and tenements to us belonging, and every part thereof lying within that part of the County of Luzerne in the said Commonwealth commonly known by the name of the seventeen Townships, a part or the whole of which is mentioned or described in the schedule hereunto annexed. To have and to hold the same with all the Rights, Privileges, Hereditaments and appurtenances thereunto belonging to the said Commonwealth of Pennsylvania in fee simple forever. In

Witness whereof we, the said Grantors, have hereunto set our hands and seals this twenty-fourth day of September, in the year of our Lord one thousand eight hundred.

Sealed and delivered by Esther Coxe and John Redman Coxe and Sarah his Wife in the presence of us, Abraham Shoemaker, Edward Shippen. For Catharine Stockton, Isaac Smith, Mary Sayre. For John Stephens and Rachael his wife, Dan'l Van Reipen, Mary Gilbert. For Matthias Barton and Esther his wife, Matthew Henry, Frederick Kuhn.

RACHEL COXE, [Seal.]
JOHN STEPHENS, [Seal.]
RACHEL STEPHENS, [Seal.]
CATHARINE STOCKTON, [Seal.]
MATTHIAS BARTON, [Seal.]
ESTHER BARTON, [Seal.]
JOHN REDMAN COXE, [Seal.]
SARAH COXE, [Seal.]

The twenty-fourth day of September, 1800, Before me, Edward Shippen, Chief Justice of the Supreme Court of Pennsylvania, came the above named Esther Coxe and John Redman Coxe and Sarah his wife, and acknowledged the above Deed Poll to be their, and each of their act and Deed, and desired the same may be recorded as such. The said Sarah being of full age and by me privately examined apart from her husband, declared that she executed the said Deed Poll voluntarily and of her own free will and accord without any coercion or compulsion of her said Husband, and full contents by me first made known to her.

Witness my hand and seal,

EDWARD SHIPPEN, [Seal.]

STATE OF NEW JERSEY, *ss:*

Personally appeared this 25th day of September, 1800, before Isaac Smith, one of the Justices of the Supreme Court of said State, Catharine Stockton, one of the within Grantors, and did acknowledge that she signed, sealed and delivered the within Deed Poll for the uses and purposes therein mentioned. Taken before me,

ISAAC SMITH.

STATE OF NEW JERSEY, *ss:*

Personally appeared this 25th day of September, 1800, before me, Daniel Van Reipen, one of the judges of the court of common Pleas of this county of Bergen, in said State, John Stephens and Rachel his wife, and acknowledged the above Deed Poll to be their Act and Deed. The said Rachel being by me

privately examined apart from her said husband, declared that she executed the said Deed Poll voluntarily and of her own free will and accord without any coercion or compulsion of her said Husband.

Witness my hand,

DANIEL VAN REIPEN.

STATE OF PENNSYLVANIA, *ss:*

Personally appeared this 30th day of September, 1800, before me, the subscriber, one of the associate judges of the county of Lancaster, Matthias Barton and Esther his wife, and acknowledged the above Deed Poll to be their act and Deed. the said Esther being of full age and by me privately examined apart from her husband, declared that she Executed the said Deed Poll voluntarily and without any coercion or compulsion of her said husband, the full contents by me first made known unto her.

Witness my hand and seal,

FREDERICK KUHN, [Seal.]

LAND OFFICE OF PENNSYLVANIA:

I certify that the foregoing is a true copy of an instrument of writing, from Esther Coxe, John Stephens and others, surviving Executors of John Coxe, deceased, to the Commonwealth of Pennsylvania filed of Record in this Office.

In Testimony whereof, I have hereunto set my hand and the seal of the said office at Lancaster, the second day of October A. D. 1800.

———

A Schedule of the Lands lying in the seventeen Townships of the County of Luzerne, belonging to the Estate of the late Colonel John Coxe, deceased, and referred to in the annexed release. That is to say Sundry Tracts of land taken up in partnership by the said John Coxe and William Patterson, Esquires, under an article of Agreement between the said Coxe and Patterson, bearing date the 20th day of January, 1774, in the following names, viz: John Borland, John Hyde, William Watson, Robert Lusk, Zenas Smith, William McCarroll, Elizabeth Punner, Samuel Boucher, Richard Price, Joseph Nicholson, Henry Thorn, William Smith, Thomas Smith, Augustus Rupple, Joseph Ball, Samuel Laverty, Christian Strehly and John Vansant, which said Lands so held in partnership between the said Col. John Coxe and William Patterson, Esqr., were released by the heirs to the said William Patterson, Esqr., to the Commonwealth of Pennsylvania by an instrument bearing date the 20th day of July, 1799. Also one

other Tract of land belonging wholly to the Estate of the said Col. John Coxe, deceased, taken up in the name of William Rush.

MATTHIAS BARTON,
ESTHER BARTON.

TENCH COXE TO GOVERNOR McKEAN.

LAND OFFICE OF PA., *October* 3, 1800.

SIR: I received from Luzerne, by the last mail, a newspaper containing an unpleasing evidence that some of the New England leading men still keep up their exertions to prevent the restoration of that County to tranquility & prosperity. Some plain facts and remarks had been communicated to the Comm'rs tending to produce just convictions in the minds of the Settlers and inducing them to make submissions. Since that paper was written and published by the Com'rs, as an extract from a letter from Lancaster to a person in Luzerne, there have been about fifty applications of the Connecticut men presented. A reply to the paper I refer to has been published in the Wilkesbarre Gazette of the 23d instant, and I have procured from Mr. Dickson a copy of it, sent to him by Mr. Wright, the printer, which I have now the honor to enclose.

In regard to the papers referred to, as intercepted on their way from England, I have not the least remembrance or knowledge of them, or of any such fact. Col. Turbut Francis was dead nineteen years when they say they were sent to him by Cornelius Coxe. The Colonel died in 1777. The slander or defamation of our public and private title will, by its continuance, most certainly produce heavy injuries to the property of the State, and to the property of the Citizens. I beg leave to submit, sir, the question whether a suit should not be commenced against the writer, or if Mr. Wright refuses to give his name, then against the printer. Such peaceable measures will have very great effects. Whether it should be brought in the State or federal courts, if the bringing it there should be found legal on learning the Names, is a matter which may require reflexion. The concluding paragraph, but one, proves the importance of our succession in getting more than 40,000 acres of the same land, both released and submitted. They were prepared for cavilling on this point, it seems.

The petition of the sixty settlers in the late County of Allegany is this moment received and will be laid before the Board at their monthly meeting on Monday the 6th instant. The population of the Country over the Allegany, in the 42d degree of North latitude, has been of the utmost importance to check the progress of the Connecticut intrusion. A just and harmonious settlement of the warrant and occupant rights is very desirable. I am not accurately informed why the question of the Mandamus was not argued at the last term of the Supreme Court, for the notice to me was accepted in writing and our notes communicated to the Attorney General, who was prepared for the argument.

I have the honor to be
with perfect respect, sir,
y'r mo. obed't and h'ble Servant,
TENCH COXE,
S. L. Office.

REPORT OF THE SECRETARY OF THE LAND OFFICE OF PENNSYLVANIA TO THE GOVERNOR, IN OBEDIENCE TO HIS DIRECTION OF THE 24TH OF OCTOBER, 1800.

LAND OFFICE OF PENN'A, *November* 1, 1800.

The Secretary of the Land Office has the honor, respectfully, to Report to the Governor that after examining the inconvenient and unsafe apartments in which the numerous and valuable Books and papers under his charge were found on his appointment in January, he deemed it highly advisable to procure offices in a firm and secure building of Brick or stone. The eastern and western ends of the former office were made of wood, there was no hearth on which to rest a very large stove, which the form and exposure of the apartment required, and the pipe itself was necessarily passed into the outer air through one of the wooden sides of the building, where its mouth was so near to that wooden side as to render the destruction of the whole office highly probable in case of fire taking place in the pipe while the persons of the office were absent. The Books and papers were, therefore, removed into convenient brick apartments with safe chimneys and fire places in the latter end of June.

The numerous and manifest evils and complaints that arose from the great extent in which the clerks in this department were agents for individuals and associated owners of Land rights, and of tracts under incomplete, disputable, and even contested titles, influenced Land Officers to take effectual measures for the discontinuance of the practice in their respective offices. There is no reason to doubt that all the persons now employed as clerks Explicitly decline those agencies, and refrain from taking those liberal and dangerous compensations which formerly taxed the citizens contrary to the true meaning of the Law and led to pretexts for the delay of business. It resulted from this practice that the agencies for defective, questionable or disputed titles was found in the hands of those real officers of Government (the Land Office clerks) who partake in the receiving, filing, recording, safe-keeping, Exhibition, copying and authenticating the official evidences of the titles which they were engaged on the one hand to validate and on the other to annul. This great and inadmissable power effected all the executive business of the several offices and the Judicial proceedings of the Board of Property, whose Jurisdiction extends to the right of soil, public and private, of the whole State.

Whenever this power was exercised it was against the Spirit and sometimes against the letter of the law of 1790, and it was understood in official communications that you expected from the principle officers a complete cure of the evil.

The payments of moneys arising within this office are only required by law to be made quarterly, but as the want of a Bank at the seat of Government renders it unsafe to retain any considerable sum and the public service and credit is promoted by anticipated payments, the Secretary has adopted the practice of transmitting to the Treasurer the sums of money which from time to time are paid into his hands in the course of the Quarter.

No inconvenience to the current business of the office has arisen from this measure, nor does any seem likely to arise, neither does it appear to have at all incommoded the three quarterly settlements which have been made with the department of accounts.

As the legislative provision for clerks in this office was evidently insufficient at the same time to bring up the arrearages which had arisen before my appointment, and to keep up the arrangement and records of the business from the commencement of your government, The Secretary proceeded upon the plan he had the honor to submit to you and which was communicated to the Legislature in your special message of the

10th day of March last. A new set of Books and files have been accordingly commenced, beginning on the first day of January, 1800, and are always kept in such a state of completion that the exertions of a few days will bring them up to the instant time.

But although it was evidently impossible with the clerkship funds to bring up the great and various arrears of business, both in the times of the Province and of the Commonwealth, yet it was evident that something considerable could be done towards that desirable and necessary end. It was a question duly considered whether the provincial or the State arrears should be the first object of attention. The great value of the improvements and Lands between the banks of the Delaware and the head of the Ohio, in the southern moiety of the State, and of the easternmost part of the northern moiety of the State induced a preference to the arrangement of the papers and the completion of the Records in relation to them. These were held under rights which originated principally in the time of the Province and were included in the several Indian purchases effected before the Revolution. Considerable progress has been made in this business. The original applications or entries of Land for ten years preceeding 1777 have been endorsed and filed. The returns made by the Surveyors General into this office for the purpose of patenting during the term of twenty-seven years have been selected from the miscellaneous collection of papers formerly represented to be in bags and packages and placed upon regular file. A considerable number of counterparts of proprietary patents and private, unclaimed conveyances have been also transferred from that mixed collection to places of separate and orderly arrangement.

All the ancient instruments under the signature of William Penn and his descendants, which have relation to the establishment and settlement of Pennsylvania, have been passed from the packages of old papers and collected in a single case. Some progress has been made in other parts of the business, by which the remaining unordered proprietary papers are reduced to three packages. By these means the evidences of title requiring frequent searches are more easily examined and with a less Expense of time. It is expected that some further attention can be paid to these papers without interruption to the current business before the 15th of January next, when the Legislature has directed a Report to be made concerning the subject of the arrears of business existing at the time of the Secretary's appointment.

There were in the office before the rising of the Legislature about 821 signed patents, on part of which the fees were said

to have been paid, on the remainder the fees appeared to be due. To disencumber the files of these instruments and to effect the collection of the office fees, a circular letter was transmitted to every person appearing to be an owner of any part of the Lands, whose residence could not be ascertained. In consequence thereof about 680 of those patents have been delivered and the fees have been received and credited so far as they appear to have been really unpaid. There yet remain in this office about 141 of the original parcel unpaid for and unclaimed. There were also on file ready for delivery a number of completed warrants. The same endeavours to disencumber the office and obtain the public fees has been made in regard to these instruments, as have been stated in respect to the patents. Little success, however, has yet attended those attempts. Besides the interior order of the office and the collection of revenue, there were other strong reasons for desiring that the completed warrants might be taken away by the owners, in order to be regularly located. Many persons under the existing settlement right may unwarily set down upon the Lands described in them, a foundation for numerous disputes may be laid, accompanied by embarrassing questions of alleged looseness of description and imputed latches; settlement of the property under the warrants is suspended, and that fair universability of public contribution is avoided, which is the best calculated to render taxation just, moderate and satisfactory in regard to individuals and duly productive to the Government. The want of an accurate knowledge of the Laws and of the official proceedings in regard to the ordinary settlement right has produced, in some instances, inconveniences and needless expense to the actual settlers, and in others pecuniary injuries to the Commonwealth. To obviate these disadvantages a mode of proceeding has been carefully digested, circulated, as occasion offered through the State, and introduced into many of the public newspapers. The paper A, a copy thereof is respectfully transmitted. It was not deemed expedient to give this paper a Directory form, nor to issue it under any express official authority. It was rather preferred to send it forth under the appearance of an advice grounded on correct information.

It has been well understood, and pursued to the mutual benefit and convenience of the Commonwealth and of the citizens concerned. It is necessary to observe that it was not meant for the settlers in the country North and West of Ohio, Allegheny and Conewango, where the improvements and residence are precisely defined and must be accordingly effected and evidenced. But as many of the settlements in that part of the

late county of Allegheny, both under regular warrant and mere settlement rights, are now maturing to the legal extent of five years, this paper may afford some useful direction. Other proceedings have also been adopted and will be pursued to indicate without prescribing a convenient mode by which both warrantee settlers and mere settlers may obtain confirmation of their titles by patents.

It has been recently in the power of the Board of Property to exhibit in the course of a regular proceeding in an existing case, some of the steps which an actual settler and improver in the settlement country in the late county of Allegheny without purchased warrant, may pursue to mature his title to final confirmation by patent. It has been deemed expedient by all the members of the Board to suffer this case to be published for the information of persons in anyway concerned.

It is probable that other matters of the like useful nature may occur, the publication of which may contribute to simplify and harmonize a business which might without due attention become complicated and discordant.

In conformity with the spirit of the proceedings of the Board in some cases of original warrantees, and with his own conviction, the Secretary of the Land Office gave in the month of August an official refusal to issue patents to the owners of certain warrants for Lands in the settlement country of the late county of Allegheny upon the ground of a deficiency of proof of settlement, improvement, cultivation and continued residence. This act was intended by the Land Office and the party concerned, to lay the foundation for an amicable petition of the assigns of the warrantees to the Supreme Court for a mandamus to the Secretary. Notice of the assigned day was served and accepted in writing. Notes exhibiting in detail all the grounds of the Judgments of the Board and of the act of the Secretary were transmitted in season to the Attorney General and the Secretary, with an understanding of the counsel on both sides, left the matter upon the Exhibition in those notes to the learning of the Attorney General and the wisdom of the court. It is, however, understood that the argument on the petition for a mandamus was postponed till the December Term.

As a favorable issue to the warrantees application appears to be uncertain, as they sustain inconveniences from the want of Patents, as the western frontier from the northern to the southern boundary is very strong, as there is no Indian war and as the completion of the titles may be judged on consideration more conducive to further and complete settlement than the present state of things the idea of Legislative relief under

a prudent and constitutional modification is respectfully suggested.

This office has been more productive of revenue in the lapsed part of the current year than it was in the year 1798. For while the fees received during that year amounted only to 4205 dollars and 3 cents, the actual receipts from the first of January, 1800, have already been 5387 dollars and 11 cents, and there is due for new patents ready to be delivered about 184 dollars more, making the gross revenue of the office about 5571 dollars for ten months. In a comparison with the receipts of 1799, excluding Patents issued upon principles which are not now deemed legal by the Board the revenue of 1800, is also much superior.

The whole business of the Connecticut submissions, of which authenticated copies have been furnished to the Commissioners, for 300 Lots and tracts out of a large part of the Pennsylvania releases of Luzerne Lands, of which authenticated copies have also been furnished, a great number of useful and necessary documents for that service, a letter book never before kept in this offie, containing two hundred and ten folio pages of correspondence on the Luzerne and general business, the preparation of about 1070 new patents and the recording and other business of the Board of Property, which is actually trebled, have been accomplished.

The fund for clerkships in this office is now at the rate of eight hundred dollars per annum less than it was in the preceeding years; the great emoluments of the clerks authorized by law which were then received, have been abolished.

The proceedings under the laws of April 4, 1799, and March 15, 1800. in relation to the seventeen Townships of Luzerne, cannot be included with advantage in this Report, because the season is unfinished; The recent and most important leases of the Pennsylvanians are not reduced to order, and the spirit of submission on the part of the Connecticut men, ensures the reception of numerous instruments of submission, some of which though actually made have not yet reached this Office, and others of which are executed before 1801, upon the most certain information. It may be satisfactory in the mean time to state summarily, that from the wisdom, beneficence and energy of the Government, no interruption or impediment to the proceedings in Luzerne have taken place, and that the sanction of the Territorial and jurisdictional rights of Pennsylvania, by the unanimous concurrence of all the powers and interests in the general Government, the consequent abandonment of all claim upon Pennsylvania and New York by the Legislature and Executive of Connecticut, the lapse of the limitation for

proceedings in error in the case of Vanhorne against Dorrance, the open acceptance by Connecticut of a grant of soil from Congress within the known limits of their abandoned South Sea pretension, the liberal release of many of the best Lands by the Pennsylvanians to accommodate the actual settlers before the Trenton decree of 1782, the names, characters and stations of the Connecticut submitters of their pretension, the purchases and applications for Lands by the same submitters under the title and jurisdiction of Pennsylvania, the great increase of Pennsylvania, New Jersey, New York and New England farmers upon Pennsylvania titles within the limits of the exploded Connecticut grants, and various other circumstances which a special Report will shortly exhibit, afford the most certain ground of confidence that the injuries and indignities sustained by Pennsylvania from the Connecticut intrusion, will, by the energy of our Government and by its kindness, be made to surcease.

It has been the sincere desire and unremitted endeavor of all the members of the board of Property to accomplish the most liberal and effectual execution of the benificent plan of the Legislature in favor of the Connecticut claimants of which the laws admit.

The result promises by every past fact and present appearance to issue in a manner highly profitable to the submitters, honorable and beneficial to the Government and citizens of Pennsylvania and favorable to public harmony, order and Government.

The business of the Board of Property has appeared to all the members of the greatest consequence to the tranquility, reputation and landed property of the State. It has, therefore, been their united and steady endeavour to infuse into its proceedings, new energy, regularity and correctness. The adoption of a book of rough minutes, to be afterward recorded therefrom, has appeared preferable to the former mode, a hearing docket has been judged necessary. The collection and deliberate establishment of well grounded precedents, so important in all tribunals, has been held in view, the transfer of their sittings from an apartment separated from all the four several offices into one under the same roof, with the most central office, the presence of the whole board as far as possible at all hearings, a recognition of the organization of the board itself in conformity with the order of appointment in the constitutional law of the 8th of January, 1791, more uninterrupted sittings in the monthly terms, and a great consequent success in the dispatch of a threefold quantity of business, are the principal alterations and improvements which

have taken place within the judicial sphere of the board of property, or in the executive business of the Secretary connected with his membership in and relations to that board.

The Secretary takes the liberty to observe that some ideas have occurred to him which promise to be conducive to the public convenience and interests in relation to the Land Offices themselves, the freehold property of this State, the public Lands remaining unsold, and the unsatisfied rights of individuals; but as those subjects do not appear to have been included in the instructions for this report, he omits to enlarge upon them, and has the honor, respectfully, to submit this communication concerning those subjects alone, which appear to have been in the contemplation of the Governor.

TENCH COXE,
Secretary of the Land Office.

REPORT OF THE SECRETARY TO THE GOVERNOR.

LAND OFFICE OF PENNSYAVANIA,
December the 8th, 1800.

Report of the Secretary of the Land Office to the Governor, concerning the progress made in the execution of the acts of the General Assembly of the fourth day of April, 1799, and of the 15th day of March, 1800, offering compensation to the Pennsylvania claimants of Lands within the seventeen Townships of Luzerne County, and for other purposes.

The Secretary of the Land Office, in obedience to the instruction of the Governor, of the 24th of October last, has the honor to Report, that notice of the release of 40,000 acres of Land by the Pennsylvania Owners, and of the submissions of 40,000 acres by the Connecticut Claimants, was transmitted to Isaac Whelen, Thomas Boude and William Irvine, Esquires, on the 8th day of February: there were prepared in this office and ready for the Commissioners, Copies, certified under hand and seal, of all the instruments of application and submission of the Connecticut settlers, which were received before the departure of the Commissioners for Wilkesbarre, amounting to about 151, and being for about 236 separate lots and tracts. There were also prepared or procured for the use of the Commissioners, Copies of the two Acts of Assembly of the decree of the Federal Court at Trenton, of the 30th day of December,

1782, a draft, though not authentic, of the seventeen Townships, the report to the House of Representatives, with the schedules, essays of forms of oaths of single title and of acts of acknowledgement for the Connecticut settlers. There were also prepared, principally by the present Surveyor General, certified copies of the returns of Surveys of all the tracts whereof the originals could be found on the files of that office. Exemplifications of all the Pennsylvania releases, which had then been executed, were prepared by the master of the Rolls. The commissioners departed for Wilkesbarre with all the papers which seemed to them or to the Land officers useful or necessary. A public notification was issued by the Secretary of the Land Office, at the request of the Commissioners, informing all persons concerned that the business would be commenced at Wilkesbarre between the 25th and 30th of June. In the course of the summer additional submissions of Connecticut settlers and releases of the Pennsylvanians were received at the Land Office, and copies of them were transmitted to the Commissioners at Luzerne, in the same or an equally authentic manner. A correspondence took place calculated to quicken the proceedings of the Pennsylvanians and Connecticut men to remove difficulties and to facilitate the operations of the Commissioners.

The number of Pennsylvania releases, their names and the quantity of land released, will appear as particularly and fully as circumstances will admit from the abstract (Z.) accompanying this report.

To give the whole result in one view, the quantity which the Secretary had the honor to report to the House of Representatives on the 13th of February last, is introduced into the abstract. Some of the Pennsylvania instruments being general so as to comprehend all the releasers lands in the seventeen Townships. The quantity cannot be at this time more precisely stated, But from the great success which has attended the exertions made under the last act (of 1800), there appears no reason to doubt that the Lands within the 17 Townships, settled under the Connecticut pretensions before the decree of Trenton, are placed within the reach of those who are disposed to submit dutifully to the Government of Pennsylvania.

It is a fact, honorable to the moderation of the Pennsylvanians, that with a few exceptions (some of which are particularly circumstanced), they have conveyed their Lands to the State, so far as it has been in their power. Minorities and other disabilities will be surmounted under the 4th section of the Act of the 4th of April, 1799. Some of them perhaps may

be deemed to require further Legislative indulgence in point of time. Equal success has attended the efforts of the Officers to convince the Connecticut settlers of the danger and inexpediency of persevering in non-submission. They have no doubt also received the proper impressions from the implied abandonment of the claim to the soil which palpably follows the acceptance of the Congressional grant of soil by Connecticut.

The formal recognition of the decree of Trenton, as final and conclusive, by the Connecticut and other members of the Federal Legislature, in that of Congress of the 4th of April last, has had no doubt a decided influence upon their minds, and they have probably discovered the fallacy of relying upon a private right of soil granted by Connecticut, when a decree, now admitted to be final and conclusive, establishes unalterably the fact that Connecticut had no right of soil to grant to their Susquehanna and Delaware Land Companies. If the paramount claim totally fails, all claims under it must also fail.

These and other considerations appear to have operated upon the great body of the Connecticut claimants within the seventeen Townships, under their grants prior to the Decree of Trenton. But one submission was made in 1799, a number were made between the last of the year and that passing of the Act of Congress. But the submissions received since that law greatly exceed those made before. As they have been continued into the present month, additional instruments may be received before 1801, when the opportunity will cease. At present there appears to have been submissions for 526 lots and tracts 151, 3 and $\frac{1}{8}$ acres of Land. As there has appeared but one rash opponent to the law who discovered no symptoms of combination and who was arrested and committed. As the names of nearly all the considerable settlers whose lands are in the Townships are found upon the list of subscribers; as the quantity submitted is so considerable and more expected, there is reason to believe that very few who have those ancient claims will be found in January to have omitted a prudent and dutiful submission.

In addition to the information contained in the report of the commissioners, it has been understood in conferences with some of them, that the lines of ten Townships have been run and part of the lines of an eleventh; that about seventy Pennsylvania tracts have been resurveyed under their orders, and that thirty or forty have been examined and valued.

The procuring of Explanations, information and Acts preparatory to settlements, are objects of daily attention with the Pennsylvanians, and every Act conducive to the same ends has

been and will be the subject of attention with the Connecticut settlers through the Commissioners or otherwise authenticated copies. Additional submissions received the present month, are in preparation and will be finished in a few days; new submissions will receive similar attention. The secretary has the honor to assure the Governor that every other step which can enable the Commissioners to resume the business with convenience, effect and in the earliest part of the season, will be pursued in the Land Office department.

From the facts stated in this Report, it will be perceived that the Government of Pennsylvania will effect a general and satisfactory adjustment with the actual settlers before the Decree of Trenton.

This procedure is eminently entitled to the character of liberality on the part of Pennsylvania, because those persons went on the Lands contrary to notice, because the paramount claim of Connecticut has been unalterably adjudged not to be founded on any right, because the Federal judiciary has given a decision against the private right of soil after considering the inter alia, the plea under the Pennsylvania confirming law, because no subordinate and derivative claim to a private right of soil as in the Susquehanna or Delaware Company, or their members, grantees or settlers, can ever be established in the Courts of law against the absolute final and unalterable decision that their paramount and grantor had no right of soil or jurisdiction.

Under circumstances so plain and so strong, it is with equal regret and surprize that the secretary finds the doctrine to be openly and explicitly maintained, that the Connecticut claim and title to all the Lands submitted are just, real and of full force.

It has appeared to be an indispensable duty, respectfully to represent that this unlawful and pernicious doctrine is countenanced and maintained in a quarter, where, judging from past events, it appears to threaten the most injurious consequences to the Treasury, the population and the general prosperity of the State.

Note of Contents of abstract Z.:

33 Pennsylvania releases and applications for 129,524 acres and 89 perches, besides the Lands contained in sundry general releases.

(Signed)

T. C.
Sec. Land Office.

TENCH COXE TO GOVERNOR McKEAN.

LAND OFFICE OF PENNSYLVANIA,
December 10, 1800.

SIR: While the Commissioners were in Luzerne an extract from a letter of mine to them was published, which was calculated to induce the Connecticut people to make and expedite their submissions. It was written in August, since which numerous submissions have been made. I am therefore satisfied that the publication has done no harm, but may have done good. It was hoped and expected that it would operate in Luzerne and New England to prevent persons of property, character and information from engaging in the Connecticut intrusion in future. I left the Commissioners at liberty to publish or not, as they might think proper, and it was also committed to their discretion to give the letter as a private or public communication to a friend or to themselves. They published it as a private letter. John Franklin, Esquire, the late and present representative of Luzerne, soon after published a reply, which I have the honor to send you. I have been assured that he was the writer and he has avowed it to me here. I have the honor to enclose the paper to you. In regard to the personalities I am not disposed to take any further notice of them than to observe that the Attornies and agents for this State and for the Pennsylvanians, are at liberty to show any papers I have ever delivered to any of them, and that I never have known of any paper favorable to the Connecticut title but what has been produced, so far as I can remember or believe. I have never suppressed any. I have told Mr. Franklin that I wish for an inquiry, that I do not admit or remember any such papers, and that I entirely disbelieve what he has stated in regard to an original Indian Deed. I do not find receipt of Mr. Wilson's. The view with which I do myself the honor to transmit this paper is as follows:

The laws of Pennsylvania and of the United States contemplate the people of this Commonwealth as the true and absolute proprietaries of the Lands within the charter bounds and the subsequent acts and grants of Virginia, Congress, etc. They hold every private citizen and every public functionary of the State bound to refrain from violating and defaming, and to support and maintain the territorial rights of the State.

Public functionaries are bound by double obligations and by an higher duty than private citizens. This paper appears to me a violation of Mr. Franklin's several obligations as a citizen and a member of the legislature. He openly maintains the validity of the Connecticut title to the soil of Luzerne and Wayne Counties, etc. Investigation probably would prove him to be an agent. He admits that he has been an agent and it is otherwise known. Viewing him as a legislator his conduct is extremely dangerous and deeply pernicious. The State is about to pay the difference of 3 Dls., etc., p. acre upon a large quantity of Land, which expensive measure and all the acts of the legislatures and Courts of the Union and the States, Mr. Franklin asserts, do and will avail nothing as to the lands which the Connecticut men shall not submit. He dwells upon the legal distinction concerning the private right of soil. when every political and civil disquisition of his conduct will contemplate that Idea in relation to him personally, as mere ingenuity and finesse. The private owners of the soil are left to their mere opportunity of a legal trial, which must, however, eventuate against them, because the paramount claim of Connecticut is conclusively established to be utterly invalid. The secondary derivative titles of the Susquehannah and Delaware Companies and of their grantees must fail, since the body politic, claiming to have been their paramount lords of the Fee (their State) are finally and conclusively adjudged to have "no right." Our laws certainly will not so respect their pretension as to suffer our citizens and legislators to defame and promote opposition to the territorial rights of the State and of those holding under it, which they consider as absolute. The members of the Legisature hold an important and solemn trust, including the object in question.

Submitting to your consideration, Sir, whether any and what measures should be taken in this case,

I have the honor to be,
with perfect respect, sir,
your most obed't
and most humble Servant,
TENCH COXE.

The Governor of the Commonwealth of Pennsylvania.

MESSRS. COOPER AND TAYLOR TO ANDREW ELLICOTT.

To Andrew Ellicott, Esquire, *Secretary of the Land Office:*

Sir: A difficulty has occurred to us relative to the Pennsylvania titles in Huntingdon, which, on consideration, appears to us more proper to be decided by the Board of Property in the first instance than by us.

Under the existing Laws it is impossible for us to ascertain the line of division between the Counties of Northumberland and Luzerne. Two acts of the Legislature were passed to fix the course of the dividing line from the mouth of Nescopeck; and under one of the Acts the former Commissioners (Messrs. Montgomery, Pickering and Balliot) ran a part of the line, but not the whole, and altho' they were authorized to give Certificates to the Settlers unto the County line, it does not appear that they were sufficiently authorized to run it.

For the purpose of ascertaining, if possible, the line to which we should think ourselves authorized to grant similar Certificates, we cause a line to be run from Nescopeck Creek in the course directed by the Act, and another from the same place to a Tree, which under a late Act for ascertaining the boundary line between Lycoming and Northumberland, Mr. McClay and his associates had fixed as a corner of the three Counties. This latter line, from Nescopeck to the Tree just mentioned, deviates about nine degrees West from the course prescribed by the Act.

Thus circumstanced, and finding no line whatever settled by any competent authority, between Luzerne and Northumberland, and finding also that the Inhabitants of Huntingdon Township have uniformly been claimed and taxed, and voted as belonging to Luzerne County, and being also of opinion that the spirit and intent of the Laws under which we act, required that township, as one of the 17, to be included in the Compromise, we have thought fit to give Certificates to the Connecticut Settlers throughout the Township, and to consider it as included in the meaning of the Act of Apl. 4, 1799.

Thomas Cooper,
Jno. M. Taylor.

SAMUEL BAIRD TO MR. MUHLENBERG.

STOWE, *December* 28, 1800.

SIR: I had intended to have given to the Commissioners a draft of the Connecticut surveys of a part of Wilkesbarre township, and made some remarks thereon, but I learn that they have separated without fixing upon any time for meeting again. The business, therefore, if it comes before the Legislature this session, may be taken up at a time when they are not at Lancaster; and as I have had the pleasure of an acquaintance with you for some years past and experienced your friendship, and as it will be a part of your official duty as a member of the Board of Property to assist in executing the law of Apl. 4, 1799, I have taken the liberty of forwarding the draft and a few remarks to you. I must repeat it here that the politeness and attention shewn me by the Commissioners has been such that it would give me the greatest uneasiness if I thought this would give them the least offense, but I cannot believe it will.

With respect to the proper mode of making out the separate drafts for the returns, I must request the favour of you to write me a few lines advising me of the manner under all the circumstances of part released and part not released. That part out of the old Pennsylvania surveys I presume I have nothing to do with at present. A few of the triangles formed by the lines of the Connecticut surveys and the lines of the tracts that are not released, are calculated and the quantity put into them. Can it be supposed that patents will be applied for for these small spots? Is separate patents to issue for every lot or part of a lot? If so, the patenting fees and surveying fees will be in some cases treble the cost of the land. Take for instance the town lots, many of which do not contain more than one-third of an acre, and some not so much, the valuation cannot exceed two dollars p. acre. The lots in the Shawany flats were, I believe, originally but 20a. and are many of them since subdivided.

Some of the triangles above mentioned, as you may see by the draft, do not contain two acres.

Mr. Crothers has a general draft of the North East branch of Susquehannah, with all the surveys made as well as those before as those since the Revolution on the east side from Lackawanack to the State line, as he is at present a little out of humor from his loosing his appointment as Deputy Surveyor,

he will not give it up. But I have no doubt, from the friendship that has ever subsisted, as you will know between him and myself, that I could get his permission to copy so much of it as would be necessary for the commissioners. It was from him that I got the drafts of the old surveys on the River, from Buttermilk falls Creek to the line which I have given to the Commissioners. If I had a copy of this draft I could add to it some that I have below Lackawanack, and some on the west side of the river, that I procured from other sources; and with a permission to obtain such copies from the surveyor General's office as I would want, I could, I believe, prepare such a general draft as would completely answer the purpose. A very general knowledge of the river from the State line down, from my having surveyed on different parts of it and through that county in 1792, '93 and '94, would assist me much in the business.

I am of opinion it would be a very desirable thing for the Board of Property to have a compleat draft of each township with all the Pennsylvania surveys laid down and destinguished, those made before the Revolution, those made under the Act of 1784 and those since 1792, the Board would certainly then have the subject before them more fully.

You will conclude, from all this, that I want employ. It is true I would rather be employed than idle. But I have myself unavoidably spent so much time last season and knew so much spent by the other surveyors, whilst we were accompanied by chain bearers and axmen in searching for surveys, that I well know the expence was considerable and must continue to be so unless something of this kind can be procured, besides there is nothing more disagreeable to a surveyor, or at least to me, than to be two or three days in the woods searching for lines or corners, and then to return and report that they cannot be found. I wish to see a remedy to this and have proposed that plan if it should be thought proper to employ me in it.

I consider myself as writing to you merely as an acquaintance and as such requesting your advice respecting the seperate drafts. Nothing, therefore, can be considered as official or out of the regular channels, and you will please to give it only that construction. I have added the manner in which the Connecticut titles were acquired, as this also becomes a consideration, as they are to be decided on under the act. If in doing this I have been too prolix and gone too far back it was merely with a wish of being perfectly understood.

I am, sir, with sentiments of respect,

your obed't Serv.,

SAM. BAIRD.

FREDERICK A. MUHLENBERG, Esq.

MEETING OF PENNSYLVANIA CLAIMANTS OR OWNERS OF LANDS, HELD AT DUNWOODY'S IN 1801.

MEETING AT DUNWOODY'S, *January* 10, 1801.

At a meeting of owners of land in the counties of Luzerne, Wayne, Lycoming, Northumberland and Northampton, a memorial to the Legislature of Pennsylvania, on the subject of lawless intrusions on lands in those counties, was read, discussed, etc. :

MEETING, *April* 9, 1801.

1. *Resolved*, That in order to obtain the beneficial effects which may be expected to result from the acts of Assembly passed for the purpose of preventing and removing certain unlawful intrusions on lands in the counties of Wayne, Northampton, Luzerne, Northumberland and Lycoming, it is necessary that the land-holders form themselves into an association.

2. *Resolved*, That the subscribers will pay in proportion to the amount of land held in those parts of the counties aforesaid, subject to the former claim of the State of Connecticut, or certain companies or persons claiming under that State.

Subscribers to the Association.

	Acres.
Allibone, Thomas,	1,200
Burd, Edward,	8,800
Bingham, William,	300,000
Bell, William,	1,800
Bond, Williamina,	30,000
Bond, Phineas,	20,000
Bartholomew, Edward, and J. Patton,	3,600
Buckley, William,	9,500
Buckley, William, and William Parkinson,	3,000
Busti, Paul, for Holland Land Company,	20,000
Binney, Horace, for self and heirs of Dr. Binney,	6,000
Clifford, Thomas, and John,	5,000
Clymer, George,	8,000
Chancellor, William, & Co.,	5,000
Dunwoody, John,	6,000
Drinker, Henry, for self and others,	150,000
Davis, John,	3,300
Field, John,	12,000

	Acres.
Self and estate of Daniel Williamson,	3,000
Francis, Thomas W., for Francis, Ann, and family,	100,000
Fox, Samuel M., for self and others,	36,000
Fox, George and Samuel M.,	4,000
Hollingworth, Levi,	2,400
Howell, Samuel,	7,000
Hodgdon, Samuel,	5,000
Harrison, Thomas,	5,000
Kuhn, Adam,	7,000
Lewis, Josiah,	6,000
Latimer, George,	15,000
Latimer, William,	1,300
McPherson, William,	5,000
McEwen, Thomas, & Co.,	25,000
Meredith, Samuel,	80,000
Meeker, Samuel,	6,000
Marshall, Christopher, Ex'r to Thomas Paschal,	16,000
For self and William Crammond, Adam Kuhn, and assignees of Joseph Thomas,	45,000
Peters, Richard,	20,000
Pickering, Timothy,	10,000
Pleasants, Samuel,	7,000
Rhoads, Samuel,	10,000
Rush, Benjamin,	2,400
Sharpless, Jesse,	10,000
Sergeant, William, for estate of Sergeant, J. D.,	6,500
Sergeant, William,	1,000
Strawbridge, James,	30,000
Smith, Robert,	4,000
Singer, Abram, for Richard Rundle,	2,200
Tilghman, Edward,	75,000
Turnbull, William,	4,000
Travis, John,	5,000
Tilghman, William,	2,800
Warder, Jeremiah, Parker & Co.,	20,000
White, William,	12,000
Wells, Gideon H.,	10,000
Waln, Robert, for self and others,	50,000
Wharton, Isaac,	36,000
Wharton & Lewis,	24,000
Wharton, Joseph,	7,000
Total acres,	1,310,800

The association organized by the election of the following officers: Samuel Hodgdon, President; Samuel M. Fox, Treasurer; John Ewing, junior, Secretary.

At a meeting of the association held April 13, 1801,

Resolved, That Edward Tilghman retain Daniel Smith, Charles Hall, Ebenezer Bowman, Putnam Catlin and Rosewell Welles, as counsel for the landholders in all civil and criminal proceedings in reference to their lands.

At a meeting held at Lancaster, February 17, 1802, an estimate was made of the probable amount necessary to be expended by the association to carry the intrusion law into effect, which is as follows:

Agents' salaries,	$1,200 00
Deputy for Luzerne and Wayne,	900 00
Deputy for Lycoming,	450 00
Expenses in binding over witnesses and extra pay for subpœaning them,	500 00
Stationery and other necessary expenses,	150 00
	$3,200 00

MEMORIAL OF CONSTANT SEARLS AND OTHERS.

[Read January 12, 1801.]

To the Honorable the General Assembly of the Commonwealth of Pennsylvania, the Petition of the Subscribers, Inhabitants of the County of Luzerne, most respectfully showeth:

That they live on portions of Land in the County aforesaid taken up under the Claim of Connecticut, before the Decree of Trenton, commonly called and denominated Pitches. Those Pitches are situate between and adjacent to what are called the seventeen Townships, included in the provisions of the Act of Assembly passed the 4th of April, 1799, and contain from one to six hundred acres each. On this description of Land your Petitioners were seated in the early settlement of this Country and stand in Common with their fellow Adventurers settled in the seventeen Townships all the calamities that this quarter,

from a savage foe, experienced thro' the late Revolutionary war. Their history and sufferings had reached the ear of a former Legislature and hence their Act of March 17, '87, confirming their several farms and the farms of others upon certain Conditions therein mentioned to them and their Heirs, &c., forever. With these conditions, as far as was practicable, your Petitioners promptly complied. But to their great disappointment the Powers of the Commissioners carrying the said Act into Execution were suddenly suspended, the Act itself repeal'd and everything done under it declared to be null and void. One of the principles, and in fact the true Reason assigned for its repeal, was that the Act itself was unconstitutional, inasmuch as that without their consent the property of one class of Citizens was taken and given to another. If this was a reason sufficient for withholding a further sanction to the claims of your Petitioners, they are happy in believing that no such obstacle at this time exists. From a belief that your Petitioners land lay within the seventeen Townships, their adversaries willing to receive the compensation offered by the Commonwealth for lands in the said Township, have released their titles and their right is now vested in the State or maybe if it should meet the pleasure of the Legislature. Your Petitioners, therefore, as an opportunity now presents in which the Commonwealth may do that justice in the Act of March, '87, so solemnly pledged, we pray your honorable Body to make a law whose provisions may insure to your Petitioners a title to their lands upon the terms in the said Act of March, '87 specifyed, and they as in duty bound will ever pray,

CONSTANT SEARLS,
JAMES ABBOTT,
PHEBEE ABBOTT,
Natural Gardean to the
Heirs of I. Corey.
BENJAMIN PEDRICK,
DANIEL PEDRICK,
JOSHUA PEDRICK,
ELEAZER ATHERTON,
DANIEL SCOTT,
CORNELIUS ATHERTON,
JOHN ATHERTON,
NATHAN HALL,
JOHN CHAMBERLAIN,
AUTHUR ECKE,
JOSHUA BEDNET,
ROSEWELL WELLES,

Execut'r to Elipha. Harvey, Deceased, and Guardean to his Heirs.

INSTRUCTIONS TO THE SURVEYORS.

July 4, 1801.

General instruction to the Surveyors acting under the Commissioners appointed under an "act for offering compensation to Pennsylvania claimants."

You will attend particularly to the accurate chaining of all the lines you run.

You will have every line well blazed and opened, and mark a tree or set a post at every 40 perches, so that the Commissioners may have less trouble in valuing the Lands, pursuant to the act.

You will particularly note the crossing of fences and streams, with their bearings as near as you can ascertain, and when any of the Connecticut lots are crossed by the lines of the Pennsylvania surveys, you will mark the intersection by a corner well ascertained.

You will make particular remarks on every change of soil and timber as you go along, as also the rise and fall of the Hills, Rocky ground, &c.

You will report every week, or as often as convenient, the work done, with a true copy of your field notes that they may be regularly planned.

DEPOSITION OF ANDERSON DANA.

WILKESBARRE, LUZERNE COUNTY, *July* 24, 1801.

Before me, Jesse Fell, Esquire, one of the Associate Judges of the County of Luzerne, personally appeared Anderson Dana, of Wilkesbarre, aforesaid, who being duly sworn upon the holy gospels, deposeth and saith that he well knew Asa Stephens, who originally drew the Town lot number 7 in the Lottery made for the disposal of lots in the s'd Town of Wilkesbarre, and that he hath been married to Sarah, a Daughter of the said Asa Stephens, during eleven Years or there about. That by an order of the orphans' court sometime in the fall of the Year 1791, in consequence of the death of the said Asa Stephens,

Partition was made of his property among his children, and a certain part of lot No. 7, aforesaid, was allotted to his widow, Sarah Stephens; That after the death of Sarah Stephens the children of Asa Stephens, the elder deceased, met together and agreed to divide the lot assigned by the Jury of Partition aforesaid, unto Sarah Stephens as her dower, among them by mutual and verbal agreement; that this Deponent was present at the said meeting in consequence of having inter-married with Sarah Stephens aforesaid; that at this meeting the whole of the lot, a share which by the Jury of Partition was assigned as dower to Sarah Stephens, the widow, was by mutual consent divided and the one-half thereof divided lengthways was assigned to this Deponent, of wh'ch he hath ever since been in Possession, and the other half thereof was assigned to Polly Stephens, who exchanged the same with her Brother, Asa Stephens, but no writing passed: that the said Asa Stephens continued in possession of the half of the dower lot of Sarah Stephens, deceased, being that half immediately adjoining on the portion of the original lot, which contains $72\frac{36}{100}$ perches each, until he sold a quarter of an acre of the same unto one, Daniel Stiles, and the remainder thereof unto Thomas Wright, as this deponent hath long understood and believes; That the portion thereof thus sold to Thomas Wright containing, as this Deponent hath understood and believes, about one-sixth part of the original lot of $3\frac{1}{2}$ acres, deducting therefrom the quarter of an acre before sold by Asa Stephens, the son, to Daniel Stiles. That at this meeting of the children and heirs of Asa Stephens, deceased, when the dower lot of Asa Stephens was, as aforesaid, verbally agreed to be divided among them, and when the share now occupied by Daniel Stiles and Thomas Wright was by such agreement allotted to Polly Stephens, Abigail, one of the Daughters (now Abigail Fawcett), was not present, but this Deponent hath understood and believes that she and her husband have both since acceded to such verbal Partition and that possession hath been thereof accordingly had, as aforesaid, and farther this deponent saith not.

ANDERSON DANA.

Sworn and Subscribed before me.

JESSE FELL.

October 3, 1801.

Anderson Dana, in further explanations of the above Deposition as relating to a claim of Arnold Colt to part of back lot No. 47, being present before me, Thos. Cooper, one of the Commissioners, &c., declares that the verbal Partition above recited of the Dower Share of Sarah Stevens after her decease extended

also to her Dower Share in back lot No. 47, whereof one-half was allotted at such division to Jonathan Stevens, the other half of the back lot was allotted to Abigail Fawcett.

THOMAS COOPER.

JURISDICTION AND STATE'S RIGHT OF SOIL.

[The following article from a newspaper at Lancaster, was printed in Broadside for distribution among the settlers in Wyoming. It is probable Part II was never printed. The date is about 1802.]

Connecticut Claim. Part I. Jurisdiction and State's Right of Soil.

The Decree of Trenton establishes from the beginning the right of jurisdiction or government, and the right of pre-emption or soil in the state of Pennsylvania, as to all the lands within our charter bounds. It may be justly and legally considered to extend further than the pre-emption; for Connecticut was adjudged to have no right to the lands in controversy, and those lands expressly included their "possessions," as well as claims. Their legislature had attempted to establish a county in Pennsylvania about the year 1775, above one hundred and ten years after the date of their charter, but has never since the decree of Trenton in 1782, pretended to maintain that old county or to erect any new county. That state has never made application to Pennsylvania or congress, or to the federal courts for any new trial of the question of soil or government, nor has Connecticut since made or attempted any purchase of the native Indians within Pennsylvania, nor to sell any pre-emption right or rights of soil within our limits. On the contrary, the government of Connecticut, yielding to the trials of all the possible principles before the federal courts in 1782 and 1795, and the confirmations of both decisions, has formally declared the decree of Trenton to be a final and conclusive settlement, and abandoned all claim, both to soil and jurisdiction, by a regular sealed instrument, signed by their governor, under the authority of a special act of their legislature and filed among the records of the United States, in the department of state, in the year 1800, by order of the president and congress. Thus all the pretended right of the state of Connecticut is established to have been a nullity in law and fact, from the begin-

ning. It is indeed wonderful how the province and state of Connecticut could ever expose themselves to the dishonor of setting up this claim on Pennsylvania after such neglect or laches, after derelictions. Altho' the first title they pretended to have was in 1633, and the last in 1662, which is the present charter, yet they never set up a pretence to any part of Pennsylvania till 1773, which was 140 years after the first title to their present state, and 111 years after their existing charter. Besides, in a dispute in the year 1664 with New York (which was conquered after their charter by Great Britain, from the Dutch, who had settled in the country from Long-island to Albany), they agreed by commissioners, one of whom was their governor, that the creek or river Mamoronick and northwest, to the line of Massachusetts, should be the western bounds of the colony of Connecticut. This agremeent was formally confirmed by their legislature. It was only two years after the date of their charter, and was signed by Mr. Winthrop, who obtained that charter. That agreement shews they then considered their western boundary to be near and about the west lines of their present counties of Litchfield and Fairfield. In the year 1751, which was 87 years after their formal admission of their western bound in the compact with New York, they erected the present county of Litchfield, which actually lies in the northwestern corner of their state, and is described in the law as being in "the northwestern part of their colony." This was just before the Susquehanna association and attempt to purchase of the Indians. These were in 1753 and 1754.

A few days before the Susquehanna company made their pretended purchase in 1754, the Indians had recognized and confirmed their agreement of A. D. 1736, not to sell but to Pennsylvania. The congress of 1754 at Albany had resolved that purchases should not be made by the Indians. This was two days before, and Connecticut was represented in that congress.

The deed produced by the Connecticut company from the Indians, was written on a rasure in the descriptive part, and was written with various inks and very disorderly in its dates. It was made without any authority whatever, either from the crown, from Connecticut or from Pennsylvania. Connecticut gave that deed not even a pretended sanction until October, 1782, after the dispute arose, and was submitted in writing in August, 1782, and then had no power, for she had no right of pre-emption or jurisdiction, or if she had possessed the power it could not be exercised retrospectively against Pennsylvania, a fair purchaser, nor after she had submitted all her claims and possessions. When the Susquehanna company first pretended

to have bought from the Indians, they appointed a committee in the same year, 1754, to draft an application to the king for a confirmation of their unlawful purchase and for a charter, making no pretence of any right in Connecticut. Afterwards they applied to Connecticut, which did not attempt to grant, but merely recommended them to the king. A Mr. Hazard had first applied to Conneticut in a similar way. They would not intermeddle, but referred him to the king. Mr. Hazard described this land as 100 miles west of Pennsylvania, recognizing our charter in 1753 or 4. It was very reasonable, and all that could decently and lawfully be done for Connecticut. They had admitted their western bounds to be at Mamoronick, and described Litchfield as their northwestern county in 1664 and 1751.

The laches or total neglect of Connecticut and of all persons claiming under her, to do anything whatever concerning her modern pretensions on the west side of Delaware from 1632 and 1662, to the date of the pretended Indian deed in 1754, is a length of neglect or laches, which in law, destroys the strongest title. Sixty years is fatal to any title. Her neglect was 110 years from the date of her present charter in 1662, to their application to Pennsylvania in 1772. That was the first step. Neither she nor her citizens have ever commenced suit. Both the great suits, as to the public and private right, were brought forward on the part of Pennsylvania. Connecticut tried to avoid the Trenton trial in 1782, but congress enforced it. These are important facts, for sixty years quiet possession gave title throughout the British dominions and territories, in Europe and in America. This point is clear and decisive in favor of the Pennsylvania title, and conclusive against the claim of Connecticut, independent of all others.

If the title of Connecticut had been good and valid at the date of their charter of 1662, that part of the country which is included in the Pennsylvania charter would have been a derelict property in consequence of her treatment of it. 1st. Because there was a non-claimer on the part of Connecticut for more than sixty years, which is sufficient to pass even a once clear and lawful right of the soil. 2d. Because there was a non-claimer on the part of Connecticut for more than a century (for 110 years indeed) which is sufficient in reason to vacate the less confirmed public right of soil, or pre-emption. 3d. The property was a derelict, because Connecticut made and confirmed by special commissioners, by her governor, by the procurer of her charter, and by her legislature, agreements with the Dutch and with the English (who succeded by conquest to the Dutch), declaring her western boundary to be between

Hudson and Connecticut rivers. This was a clear and effectual virtual dereliction of the country west of the Delaware. 4th. When William Penn received his charter, Connecticut made no objection, tho' Maryland did, and the Maryland proprietor continued to keep alive a counter claim, till it was settled between the two governments. All this time Connecticut refrained from making any claim, leaving Mr. Penn's course free, which is of the nature of dereliction. 5th. Connecticut by her laws, erecting Litchfield county in 1751, made before all America a virtual dereliction of the country westward of the present east side of New York, for the legislative body declared Litchfield county to be in the northwestern parts of the state; thus actually excluding all beyond the bounds of the colony, that is all Pennsylvania. This was an overt and conclusive act of dereliction and some of the members of the Susquehanna and Delaware companies and the ancestors of others partook in the formation and enacting of that law. 6th. When the Connecticut Susquehanna Company attempted to purchase of the Indians, against the Connecticut laws, that company treated it as a country derelicted, if it ever belonged to Connecticut; so also when the company determined to apply to the crown in 1754, and not to the legislature of Connecticut for their confirmation of their pretended purchase and incorporation; they treated the lands as derelicted. 7th. In 1755 Connecticut, upon a petition of the company, referred them for soil and jurisdiction to the king of Great Britain, which was a clear, open, undeniable and effectual dereliction. 8th. Connecticut never made, caused or permitted to be made, for public or private benefit any purchase of the Indians, in the country west of her present county of Litchfield, from the date of the charter to the year 1773 (110 years), nor has that colony or state ever made such a purchase, tho' the Pennsylvania purchases were continued, frequent and notorious. In short, Connecticut never used nor caused to be used the pre-emption right. This is a total dereliction of the pre-emption right. If 60 years dereliction is fatal to the best possible private right of soil, which includes pre-emption, 62 years dereliction must be fatal to a mere pre-emption right alone. Had all the American governments acted in this manner, our beautiful and prosperous national dominions would have continued a howling wilderness, instead of exhibiting an export of 78 millions of dollars. 9th. Connecticut never sold for a valuable consideration one acre of Pennsylvania, westward of the county of Litchfield. This in the case of so frugal a state, is a very striking and long course of derelicting conduct. 10th. Connecticut and all persons pretending to claim or hold under her, have omitted to

commence any one suit against Pennsylvania, or those holding under her. They pretended to bring on a private trial before federal commissioners, but would not name their lands nor shew any grant. Connecticut then, having been conclusively adjudged to have no right of jurisdiction or government, or of pre-emption or soil, or of possessions, having derelicted both jurisdiction and soil, if they had ever been entitled to either; having knowingly and deliberately accepted a grant and title to the western reserve from Congress, tho' within their pretended charter limits, which must be deemed fatal, aborigine, to her pretension to the Pennsylvania land; and having admitted the final settlement by the federal judgment against her claim to lands and possessions within this state; it must appear self-evident that Connecticut never could make even a colourable title to the Susquehanna and Delaware Companies. That colony or state could not convey several millions of acres to which it had *no right*. Connecticut never did convey to any of the settlers, or Susquehanna or Delaware Company, nor vest them with any title. She was willing to receive and consider their claims if offered; but this, after all her disclaimers, derelictions and laches.

TENCH COXE TO ANDREW ELLICOTT.

PHILADELPHIA, *August* 31, 1802.

SIR; I take the liberty to trouble you on a piece of Business which occurred during my tenure of the Secretaryship of the Land office of Penns'a. Some Lands were released to the State in which Mr. Jno. Nixon had an interest or an agency. I presume they will be found among those in the schedules of releases of Penns'ns, made out for the Legislature, the Governor and the Comm'rs. I also presume the returns will be found in the lists of those made out for the Comm'rs by the Surveyor General and sent to the Comm'rs. I expect they will also be found on the list of exemplifications made out by the Master of the Rolls for the use of the Comm'rs. Mr. Nixon very politely mentioned to me this morning that they had not been sent to the Comm'rs, and that he was recently obliged to have an application made to the officers upon the subject. He conceives that the Lands have not been received and valued in Luzerne from the non-transmission of the papers to the Comm'rs.

I cannot charge my memory with particulars at this time, but it seems to me impossible that the Gentlemen in the office and I, and the Comm'rs with the records and notices of the existence of such lands before us all, should have overlooked the transmission or call for the papers; and that if they have failed to go there must be some reason which has escaped memory. There are, I think, letters on file from Mr. Nixon to the office from me and to Mr. Nixon, which may throw some light upon the matter.

You will relieve my feelings if you will inform whether it appears on examination that any of the papers above mentioned, or necessary, were omitted to be sent forward in my time, and what were omitted, with the apparent cause or reason of such omission. You will also oblige me by information whether all that are necessary are now gone, or whether any remain which Mr. Nixon should yet send to you that I may assist him in getting them forward before the Season shall be lost.

I am, Sir,

Your respectful hum. Servant,

TENCH COXE.

AND'W ELLICOTT, Esquire,
Sec'y of the Land Office, Lancaster, Pa.

ANDREW ELLICOTT TO TENCH COXE.

LAND OFFICE, *August* 3, 1802.

SIR: In order to answer your letter of the 31st ultimo, an examination has been made of the Schedules of Pennsylvania releases, Letters and other papers in the Office. The release itself is found duly enrolled and entered in the general abstracts furnished the Governor, the Legislature and the Commissioners. The release is perfectly regular, and from the date it was received into the Office, viz: the "16 April, 1800," there can be little doubt but that a Copy thereof has been furnished. The Commissioners nor no other persons have intimated to me that a Copy of the release was not sent on by you; but Mr. West a few weeks since called at the Office of the General Surveyor for copies of the returns of survey of the several tracts contained in the Release, which have since been forwarded.

From the system adopted by you for the transmission of

Copies to the Officers at Luzerne appointed to execute the act of April 4, 1799, and pursued by me, I think there cannot exist a single case of omission. Should Mr. Nixon, however, desire a copy of the release forwarded, it shall with pleasure be done, which you will please to communicate to him.

I am, Sir,
Your respectful, humble serv't,
A. E., *S. L. Off.*

T. COXE, Esqr.

HISTORY OF THE TOWNSHIP OF ULSTER.

September 22, 1802.

Before me, Thomas Cooper, Esqr., Commissioners under the act of April 4, 1799, "for offering compensation to the Pennsylvania claimants of Lands within the seventeen Townships in the County of Luzerne, and for other purposes therein mentioned," personally appeared Obediah Gore, Esq., associate Judge of the Court of Common pleas of the said County, and Elijah Buck, Esquire, of Tioga County, in the State of New York, upon their oaths do severally depose and say, that on the 28th of August, 1775, on the applications of persons (proprietors in what was called the Susquehanna Company) whose names are mentioned in the Document A and B hereto annexed, a grant was regularly made according to the rules and regulations of the said Company for a Township containing 25 Square miles, called "Ulster," located on the west side of the north east branch of the River Susquehanna, a true Copy whereof is hereunto annexed in the document C. That the war breaking out soon after with the British and the Indians, no effectual settlement was made in the said Township under the said grant of 1775, the generality of the proprietors and settlers, claimants under the said Grant of 1775, being called to the common defence of Wyoming and the Neighborhood, or having joined the army of the United States.

That on the close of the war, and during the Fall of 1784, and the Spring of 1785, these deponents, together with upwards of thirty other persons, settled and resident within the Township of "Ulster", as located in the said Grant of 1775, and being weary of the contest with Pennsylvania respecting the Susquehanna Company's Claim, and desirous of living at peace and

conformably to the Laws of the State in which they were placed by the decision at Trenton, they, with the generality of the proprietors and settlers aforesaid, were and have continued supporters of the jurisdiction of Pennsylvania.

That the sentiments of the undersigned Deponents and others, settlers in the old town of "Ulster," being commonly known, they were violently opposed on many occasions, and their Interests thwarted by many leading proprietors in the Susquehanna Company then and now resident in Luzerne County, and who were and have continued, universally hostile to the pretensions of Pennsylvania, in respect of the Susquehanna purchase, and opposers of every plan to compromise, hitherto held out under the authority of the state.

That being overpowered by the numbers of their opponents in the Susquehanna purchase, and unwilling to embark in any farther contention and dispute, the undersigned, with other settlers of the old town of "Ulster," acquiesced in the claims of an interfering Township, laid out by and under the patronage of their opponents of the description aforesaid, under the name of Athens, still existing and settled as a half share Township, and not recognized as one of the 17 Townships in the County of Luzerne under the Act of April 4, 1799, or the supplement thereto. In lieu, therefore, of the old town of "Ulster," which was entirely on the west side of the River (North East Branch of the Susquehanna), these deponents and other claimants in said town acquiesced and accepted a new Grant of a Township of "Ulster," the Northern bounds whereof commenced at the South part of Tioga Point, and extended on both sides of the River Susquehanna; a copy of this second Grant, so far as it remains perfect, is contained in the annexed document D.

Document E is a list of the proprietors applying for the said Grant in conformity to the rules and regulations of the Susquehanna Company.

The boundaries of the town of "Ulster," according to the location of the 2d Grant, were not yet agreeable to the claimants and settlers of the town of Athens, who, having the guidance of the affairs of the Susquehanna Company entirely among themselves and their adherents, insisted that the town of "Ulster" should be placed still lower down the River, and this was again consented to by the undersigned deponents and other settlers in "Ulster," and a 3d Grant was accepted in the year 1786, a copy whereof is contained in document F.

Of the old town of "Ulster" no regular survey was ever made, owing to the circumstances of the War immediately succeedding the orginal Grant, nor was any survey completed under

the second location, as the third was granted about 9 months only after the second.

A copy of the survey under the 3d Grant is herewith presented, being document G. If the old location of "Ulster," under the grant of 1775 be established, it will include but few comparatively of the applicants under the Law of April 4, 1799. The second will include all those who have applied under the said Law.

OBEDIAH GORE,
ELIJAH BUCK.

Document A.

[This appears to be the only document found.]

A list of the Proprietors of the Township of, Mr. Asael Buck, Agent, August 28, 1775.

Catharine Draper,	½ share,	1 right certified by receipts.
Elijah Phelps,	½ do.	2 do.
Jonathan Buck,	½ do.	1 do. by certificate.
Lockwood Smith,	½ do.	1 do.
Thomas Millard,	½ do.	1 do. by receipt.
Aholiab Buck,	½ do.	1 do. by certificate.
Ct. Jos. Eaton,	½ do.	1 do.
Elijah Buck,	½ do.	1 do.
Daniel Kellogg,	1 do.	2 do.
Abraham Brockaw,	½ do.	1 do. by receipt.

N. B.—On another List Exhibited, the following names appear to have been added:

Stephen Sheppard,	½ share	1
Joseph Spalding,	½ do.	1
William Buck,	2½ do.	5
Obadiah Gore,	½ do.	1
M. Hollenback,	½ do.	1

J. Jenkins requests the favour of being admitted.

Asael Buck,	1 do.	2
Thomas McClure,	1 do.	2

THE TOWNSHIP OF PROVIDENCE.

List of original Proprietors of the Township of Providence. March 22, 1773.

	Lot. No.
Ebenezer Searles,	1
John Young,	2
Richard Gamsoy, by C. Worden, by Thos. Picket, Nov. 1, 1773,	3
Christian Avory,	4
Timothy Keys,	5
Ludwig Updike, by Jos. Slocum,	6
Capt. John Haward, by Jas. Hotchkiss,	7
John Murfee,	8
Public Lots,	9–10
Matthew Taylor, by G. Baldwin,	11
Capt. Silas Parke, by S. Fulton, Junr., Nov. 1, 1773,	12
Isaac Tripp, Esqr.,	13
Samuel Slater,	14
Henery Dows Tripp,	15
Gideon Roberts,	16
Ezra Dean, by Asa Upson,	17
Philip Winter, Mute,	18
Solomon Johnson,	19
John Staples, on A. Stanton's Rite,	20
Capt. Silas Park,	21
Samuel Felton, by John Templ,	22
Levan Ross,	23
Preserved Cool, by John Cory, Nov. 29, 1773,	24
Jacob Anguist,	25
Allen Whitman, by James Burk,	26
Solomon Avory, by Thomas Parker, entered by Tim. Keys., November 1, 1773,	27
Moses Hibbard, by Marvon,	28
Capt. Jos. Hurbert, by N. Pittebon, Jr.,	29
John McDole,	30
Zebulon Butler, by Moses Roberts,	31
Samuel Staples,	32
Timothy Gaylor, by Ambrose Gaylor,	33
Capt. David Bidwill, by Root Dengd,	34
Publick Rite,	36

Lot No.

Phineas Nash, on Sam'l Massenger's Rite, ... 37
Ichabod Hopkins, by James Hopkins, ... 38
Isaac Tripp, on M. Clark's Rite, by Ed. Glook, ... 39
Stephen Jinkins, by Robert Comstock, ... 40
Paul Felton and Hindale, by Jas. Hindale, ... 41
Jabez Sill, on Wm. Leonard's Rite, ... 42
Ebenezer Hibbard, by Wm. Hawkins, ... 43

The above list is in the handwriting of my Father, Zebulon Butler, and I apprehend it to be a true list of the old Proprietors of Providence Township, June 7, 1802.

LORD BUTLER.

The above list corresponds with a copy taken by me from an old list of my Father. June 7, 1802.

ISAAC TRIPP.

MEETING OF THE PROPRIETORS.

PROVIDENCE, *June* 1, 1802.

At a meeting of the Proprietors of the Township of Providence, duly warned and held at the school house in said Town this first day of June, A. D., 1802. Firstly, Voted, Mr. Isaac Tripp, Sen'r, moderator of this meeting.

2d. Voted, that Constant Searle, Esqr., Isaac Tripp, Sen'r, and the Proprietors' Clerk of this Town be and are hereby appointed a Committee to procure all necessary proff to establish the title of said Town, agreeable to an act of April 4, A. D., 1799, intitled an "act offering Compensation to Pennsylvania Claimants, &c.," wait on and Exhibit the same to the Commissioners appointed to carry into Execution said act, and we hereby authorize the said Committee to ask for and receive all necessary papers for the purpose above mentioned from all persons holding the same.

3d. Voted, That James Abbott and John Taylor be and are hereby appointed a Committee to apply to the Land Office of the Commonwealth of Pennsylvania for certain tracts of Land belonging to the Proprietors of the Township of Providence, called and known by the name of Publick Lands in said Township and take deeds of the same for and in behalf of the said Proprietors, and do hereby invest the aforesaid Committee with full power in every respect relative to obtaining a Title of the aforesaid land, agreeable to the act of April 4, A. D., 1799, Intitled an "Act offering Compensation to Pennsylvania claimants, &c.," as we were personally present.

This Certify that the foregoing vote is taken from Providence Township Records.

REUBEN TAYLOR,
Proprietors' Clerk.

PROVIDENCE, *June* 28, *A. D.*, 1802.

We, the undersigned Isaac Tripp and Reuben Taylor, of Providence Township, do declare upon oath that we do not possess nor do we know of any Draughts, papers or Documents belonging to the Township of Providence and necessary to the Investigation of Titles therein, other than the list of original Proprietors now presented to the Commissioners and authenticated by Lord Butler and Isaac Tripp above named, excepting certain entries made by the above named Reuben Taylor as town Clerk as to the Conveyance of the public Lots, and we have always understood and have no doubt but that all the material, public papers belonging to the said Township were lost, burnt or destroyed soon after the Indian Battle. June 7, 1802.

REUBEN TAYLOR,
ISAAC TRIPP.

Providence list of Applications.

Claimant's Name.	*No.*	*By whom applied for.*
James Abbott, ...	587	James Abbott.
Lord Butler, Zeb. Butler, Stuben Butler, Hannah, the wife of Roswell Wells; Lydia, the wife of Geo. Griffin, and Nancy Butler,	561	Lord Butler. Lydia Butler. Rosewell Wells. Stuben Butler. Zebulon Butler. Nancy Butler.
John Alsworth, ...	804	John Alsworth.
David Bidwell, ...	853	Rosewell Wells.
Rev. William Bishop, . .	349	William Bishop.
Matthew Covell, ...	768	Matthew Covel.
John S. Hopkins, ...	224	John S. Hopkins.
Abraham Brown, ...	647	Isaac Tripp.
James Bagley, ...	217	James Bagley.
John Cary, ...	330	John Cary.
William Case, ...	727	William Case, by his Attorney, Benjamin Attwater.
Daniel David.	267	Daniel David.
Charles Dolph, ...	666	Charles Dolph.

Claimant's Name.	*No.*	*By whom applied for.*
Enoch Holmes,	572	Enoch Holmes.
John Hollenback,	223	John Hollenback, for part of Lots Nos. 15 and 16.
John Hollenback,	810	John Hollenback, for part of Lot 24.
Joseph Horsefield,	100	Joseph Horsefield.
Matthias Hollenback,	640	Obediah Gore, Adm'r of John Murphy.
Lewis Jones,	579	Lewis Jones.
Reuben Ireland,	237	Reuben Ireland.
James Lewis,	635	James Lewis.
Conrad Lutz,	183	Conrad Lutz.
William Miller,	729	William Miller.
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CLAIMS OF CHARLOTT AND OTHERS.

The Claims of Stephen Charlott, Harry Morgan, Benjamin Stafford and Brothers and Ephraim Marsh.

Mr. Wm. Shoch will request the attention of the Board of Property to the following claims to Lands in the Seventeen Townships in the County of Luzerne:

1st. The claim of Stephen Charlott to lot number seven in the Township of Springfield. His claim has been laid before the Commisioner by application, but no certificate has issued. He claims all the remainder of lot No. 7, except two hundred acres, together with one-fiftieth part of the undivided land in the said Township, which from the Commissioners return appear to be in the whole upwards of 5,100 acres; of course 100 acres to a share. The claim of Stephen Charlott will be supported by a regular chain of conveyances from ——— Churchill, through several persons to Stephen Charlott. The lot will appear on the draught of the Township, but as no particular person attended to the Commissioners survey, it has been cut short of its original boundaries and what is left out falls to the undivided land of the Township of course, as no injury could be sustained by any individual, it is hoped that the Board of Property will order the tract resurveyed as it was originally bounded. It ought further to be understood that as this lot is a mountain lot a much larger quantity of land ought to be, and was by the proprietor allowed to it to make it equal in value to other Lots of the Township. It must also be understood that Mr. Charlott is now, and has been many years, in the full and peaceable possession of the lot by an actual personal residence and has made thereon valuable improvements.

2d. Harry Morgan in behalf of himself and others, heirs of James Morgan, deceased, claims lot No. , in division, in the Township of Salem. His claim is derived from —— Heath, the original proprietor by a regular conveyance. Reference may be had to the deed and to the Commissioners draught of the Township, and that it has been surveyed and valued, and that the above named applicant is the son and heir of James Morgan will appear from the certificate of George Hain. Jesse Fell and Matthias Hollenbach, now in the Land Office. James Morgan went into the State of New Jersey and died about the time of the compromising law in 1797 and his wife being also dead and the present applicants minors, and very young, no benefit has been realized by them from the provisions of the

said act, they, therefore have now made application and pray that a patent may issue to them.

Benjamin Stalford, Joseph Stalford and John Stalford.

3d. The claims of Benjamin Stalford and Brothers is derived through Miner York, from William Smith and Esther Smith, his wife, and John Terrell and Keziah Terrell his wife, sons-in-law and daughters of Lucretia York, and is included in the application of said Lucretia York, and is composed of all that part contained in the said application for Land in the Township of Springfield not certificated to M. Miner York, which was allotted to the said Esther Smith and Keziah Terrell.

The power from Esther Smith to order the conveyance by which the said M. Miner York sold her share, is made known by a kind of Certificate from William Smith, her husband, and the power from Keziah Terrell is manifested in several letters from John Terrell, her husband, to the same M. M. York, but particularly by one accompanying the Dockuments authorizing a sale to a Mr. Buck, but as Mr. Buck did not choose to purchase it was sold to Benjamin Arkley, and from Arkley to the said Stalford.

It ought to be recollected that deeds for Lands in the county of Luzerne, unless they had a certificate or could trace the line of Pennsylvania title to its origin since 1799, have been deemed illegal and of course invalid and unnecessary; this is a reason why deeds were not always given when right of preemption was transferred, deeming possession alone sufficient. And Mr. Stalford is in possession, having a family on the premises and has built a sawmill on the same. It is wished a patent might issue to Benjamin, Joseph and John Stallford. If that cannot be done, it is requested that time may be allowed them to send into the State of Connecticut, where the said Esther Smith and Keziah Terrell reside.

4th. Lucretia Gaylord's Title was originally from Lavinia York, her Mother; her land is included in the application of the said Lucretia York, as will appear from the commissioners draught in the Surveyor General's Office. She requests that a patent may issue to her.

5th. Sidney Marsh is the eldest of two sons of Ephraim Marsh, late of Springfield Township, deceased. It is understood that Ephraim, who died very suddenly of only 24 hours sickness, on his death bed, and but few minutes previous to his decease, verbally willed or gave the possession in the said Township, now under consideration, to his two sons, they supporting, as well as they could, their mother and the other children, which were eight daughters. This requisition the said Sidney has complied with and still continues to comply with. The other

son, whose first name is not recollected, having long since absconded and left the family.

The title of the said Ephraim Marsh is derived from Parshall Terry, an original Proprietor in said Township, which the said Parshall took up and sold to the of the said Marsh as his share of the undivided land in the said Township.

In the life time of Ephraim Marsh he made application to the commissioners. The certificate or letter of Jesse Fell, which accompanys these documents, will give information on the subject. Also the certificate of John Taylor, clerk to the proprietors, will show that by agreement of the proprietors, that every person settling on land in the said Township having a right to land in it, should hold the land on which he was settled.

The documents which accompany the application of Sidney Marsh will show the claim of title from Parshall Terry to Ephraim Marsh.

If the Board should be of the opinion that it would not be right to patent the land to Sidney Marsh for his sole use, It is hoped that it will be patented to him for the use of the heirs of the said Ephraim.

6th. The last thing to be submitted to the board is (as the land is to be sold to the settlers at the same price as other land in the seventeen Townships was sold, that is, at what it was valued by the commissioners), whether the Board will give the applicants under the present law the same chance of making payments by installments that was given to former claimants in the seventeen Townships.

When the board have the subject under consideration, it is hoped that their decision will be as favorable to the applicants as the law and nature of the cause will admit of, as it is to be expected that the present decision will be adapted in future as a rule in like cases.

JONATHAN STEPHENS.

ACT TO MAINTAIN TERRITORIAL RIGHTS, 1802.

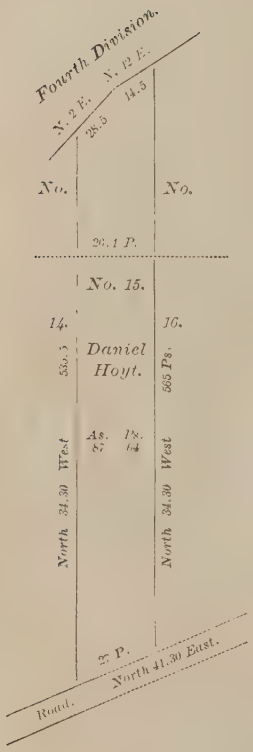
An act to maintain the territorial rights of this State, and protect the property of persons holding lands under the same.

WHEREAS, Certain persons under the pretence of title, derived either from the State of Connecticut or from certain

companies known by the names of the Connecticut Susquehanna Company and the Connecticut Delaware Company, to a considerable extent of territory within this State, have, by various improper practices, long endeavored to defeat the execution of the laws of this State, and to defame the titles of persons holding lands by grants from this State or the late proprietaries before the revolution. In order, therefore, to counteract such practices and to preserve the just rights of this State:

SECTION 1. *Be it enacted*, That from and after the first day of May next, no conveyance to be made of any land within the counties of Luzerne, Lycoming and Wayne, shall be good or effectual to pass any rights, title or interest to the land in such conveyance mentioned, unless derived from this State or the late proprietaries thereof, before the fourth of July, one thousand seven hundred and seventy-six, and unless the said conveyance shall expressly refer to and recite the substance of the warrant, survey, patent or title under which the same is so derived from this State or the late proprietaries thereof, before the said fourth of July, one thousand seven hundred and seventy-six; and if any judge or justice shall take an acknowledgment or proof, or any recorder of deeds, or any other person shall record any deed which shall not have been derived as aforesaid, he shall, for every offense, forfeit the sum of two hundred dollars, which forfeiture shall be recoverable by action of debt in any court of record in this State, the one-half thereof to the use of the Commonwealth, and the other half thereof to the person who shall sue for the same; and such acknowledgment and recording shall be void and of no effect; and every such recorder of deeds so offending, shall forfeit his office: *Provided always*, That nothing herein contained shall be so construed as to make valid any conveyance heretofore made, of any pretended title or claim to land under the colony or State of Connecticut or either of the companies known by the name of the Connecticut Susquehanna or the Connecticut Delaware Company.

FORM OF CERTIFICATE.



DRAFT of a Tract of Land situate in Kingston one of the Seventeen Townships in the County of Luzerne; being Number Fifteen in the Third Division of the said Township and containing Eighty Seven Acres and Sixty Four perches and the usual allowance of Six per centum for Roads: Re-surveyed the Tenth day of September One Thousand Eight Hundred and Two for Daniel Hoyt by order of the Commissioners duly appointed for putting in execution an Act of the General Assembly of the State of Pennsylvania, passed the Fourth day of April, One Thousand Seven Hundred and Ninety-Nine, entitled "An Act offering Compensation to Pennsylvania Claimants of certain Lands within the Seventeen Townships of the County of Luzerne, and for other purposes therein mentioned," and the Supplement thereto.

To SAMUEL COCHRAN Esq.
Surveyor General.

THOS. SAMBOURNE.
Surveyor to the Said Commissioners
December 1st 1802.

CERTIFICATE.

WE the undersigned Commissioners, duly appointed for putting in execution an Act of the General Assembly of the State of Pennsylvania, entitled "An Act for offering compensation to the Pennsylvania Claimants of certain Lands within the seventeen Townships in the County of Luzerne and for other purposes therein mentioned," passed the 4th day of April 1799, and the Supplement thereto passed the 15th day of March, 1800, and the further Supplement thereto passed the 6th day of April, 1802, DO CERTIFY, That Daniel Hoyt is the Owner as a Connecticut Claimant of Eighty-seven Acres and Sixty-four perches of Land in the Township of KINGSTON, one of the before mentioned seventeen Townships; being Lot Number Fifteen, in the Third Division in the said Township; WHICH Lot Number Fifteen was occupied and acquired by a Connecticut Claimant, an actual Settler there before the time of the Decree of Trenton, and was particularly assigned to such actual Settler, prior to the said Decree, agreeably to the regulations then in force among such Settlers. The said Land (a Draught of Survey whereof is hereto annexed) is included in the application of Daniel Hoyt, under the provisions of the acts aforesaid; of which application an official transcript has been transmitted to us from the Land Office of the Commonwealth of Pennsylvania.

THOMAS COOPER,
JNO. STEELE,

November 10th, 1803.

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